



Hackney Carriage and Private Hire Licensing  
Policy and Application Process



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## **PART 1**

### **INTRODUCTION AND GENERAL INFORMATION**

Hackney carriages (often called taxis) and private hire vehicles, and their drivers and private hire operators, must hold the appropriate licences to work. Waverley Borough Council licenses these activities for its own area. This licensing is covered principally by two acts of parliament and licences have been the norm for hackney carriages, which are now usually called taxis, since early in the 19th century.

There is a great deal of legal history to the licensing of taxis. The current licensing system uses mainly the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The 1976 Act introduced private hire licensing and amended and updated parts of the 1847 Act. Other legislation also comes into play from time to time in licensing these activities, for example, the Transport Acts, the Human Rights Act 1998, Disability Discrimination Act 1995, to name a few.

This policy gives information about hackney carriage (taxi) and private hire licensing. The policies for licensing vehicles, drivers and private hire operators in the Waverley area have been agreed by Waverley Borough Council. The policies guide those within the Council responsible for taxi and private hire licensing and enforcement in the discharge of their functions, and guide applicants/licensees. These policies and the conditions of licences are individually set by Waverley to reflect circumstances in the Borough and may be different from the policies of other district or borough councils in the surrounding area.

Sometimes extra conditions may be added to licences where there are specific reasons for them (on disabled adapted vehicles, seating layout, drivers' medical conditions, etc). Personal or vehicle-specific conditions will be discussed with the person concerned before being added to the licence. These are not covered in this booklet.

Licences for drivers, vehicles and private hire operators may be issued provided all of the relevant criteria laid down by the Council have been met. Each licence will be subject to conditions, which the licence holder must understand and abide by, unless a special exemption has been formally issued.

Every vehicle and every driver must hold separate licences from the Council.

The Council's licensing section may be contacted by telephone on 01483 523219 or by email [taxi@waverley.gov.uk](mailto:taxi@waverley.gov.uk).

Passengers have the right to know what fares may be charged for their journey. This is managed by private hire operators making an agreement with hirers at the time of booking. For taxis, the fare chart (the tariff) shows the way that fares are assessed, giving the maximum amount that may be charged for a journey. Passengers are entitled to see the tariff on display in any taxi and the taxi meter will always be visible to the passenger. The driver's details (photo card badge and licence number) must be worn by the driver and be visible. Passengers are advised to make a note of them, and the vehicle licence number.

### **What is the difference between a Hackney Carriage and a Private Hire vehicle?**

#### **Hackney carriages (commonly known as 'taxis')**

Hackney carriages are public transport vehicles which are licensed to 'ply for hire'.

They can:

- carry passengers for hire or reward
- be hailed by prospective passengers in the street
- park on a rank to await the approach of passengers

Hackney carriage vehicles can be found at the ranks and they can be hailed in the street. These vehicles have a roof light with the word TAXI on them. They have a blue/white plate affixed to the rear and a smaller version affixed to the windscreen which carry details of the expiry date, licence number and vehicle registration.

#### **Private hire vehicles (commonly known as 'minicabs')**

Private hire vehicles (or minicabs) are public transport vehicles. However, a private hire vehicle cannot ply for hire or stand in a rank. It must be pre-

booked with a private hire operator e.g. through the operator, usually by telephone.

They have a red/white plate affixed to the rear and a smaller version affixed to the windscreen which carry details of the expiry date, licence number and vehicle registration.

Both taxis and private hire vehicles have a maximum of eight passenger seats and must be driven by a licensed driver from the same licensing authority as the vehicle.

Waverley Borough Council issues licences for both Hackney Carriage and Private Hire Vehicles.

The table below highlights some of the key differences between the two types of vehicle

	Hackney Carriage Vehicle	Private Hire Vehicle
Can be hailed in the street	✓	✗
Can stand and be hired at a taxi rank	✓	✗
Can be pre-booked	✓	✓
Must display a fare meter in the vehicle	✓	✗
Must display a 'taxi' top light on the vehicle	✓	✗
Must work for a <a href="#">Private Hire Operator</a>	✗	✓

## 1. Information sharing

Information which is given or obtained by the Council in processing a licence may be shared with certain other authorities, including the Police, Revenue and Customs, Benefits authorities and other departments of the Council, among others. All applicants for licences will sign a declaration which includes acceptance of information sharing.

## 2. Hackney carriage and private hire drivers

People wishing to drive licensed hackney carriages (taxis) or private hire vehicles must themselves be licensed by the Council. Applicants for drivers' licences must undergo background checks which are designed to ensure the applicant is 'a fit and proper person' to hold a licence, as stated in legislation. The Council's primary interest is to ensure the safety of the public.

Background driver checks include;

- a criminal records check through the Disclosure and Barring Service (DBS) and/or certificate of good conduct if the applicant has lived abroad during the past five years
- Previous convictions - your application may be referred to the Council's Licensing (General Purposes) Sub-Committee for determination if you have previous convictions. Please contact the Licensing Office if you have any doubt about the relevance of convictions before applying for a licence.
- a medical to Group 2 standards, applied by the DVLA with your own GP (at your own expense)
- Blue Lamp Trust(or equivalent AA DriveTech) pass certificate for hackney carriage and private hire drivers,
- ~~a Driving Standards Agency pass certificate for hackney carriage and private hire drivers, or Blue Lamp Trust (BLT) equivalent~~
- a DVLA data subject enquiry report
- a check on the DVLA driving licence
- right to work in the UK check
- a knowledge test for journeys
- CSE Training

The applicant will have a meeting/interview with the officers to clarify and advise on how a licensed driver should act and what the licences involve. At this meeting there is a local knowledge test of roads and landmark places in the Waverley area, which will also include some longer journeys. The knowledge test is more detailed for taxi applicants, who must be able to carry their passengers via the shortest route to their destination. The knowledge test for private hire drivers is more basic, as there is an opportunity to check the route that is to be used before picking up the passengers.

Applicants with criminal or certain other records may also have to be interviewed by the appropriate Licensing Sub-Committee before a decision is made on the application. When there is sufficient reason, it is the Council's right to refuse the

grant of a licence. In such cases, the applicant has the right to appeal to the magistrates' court, where the application may be considered afresh.

### **How long do I have to complete my application?**

It can take up to 12 weeks from submitting your application to being granted a licence providing there are no delays with your DBS form, you do not have to attend a Committee hearing and you pass the knowledge test first time. However your application will remain open providing there is regular activity happening.

Your application will be cancelled and destroyed approximately 6 months from the date of submission if within the last 3 months you have not been in contact with Taxi Licensing, not completed the relevant modules or passed the knowledge test. This is because your documentation will be out of date or expired.

A refund of outstanding fees is only available upon written request. Documents provided during the application process will remain valid for 6 months during initial application otherwise you will need to reapply.

More detail on drivers' licences is shown in Part 2.

### **3. Taxis (hackney carriages) and Private Hire Vehicles**

Taxis (hackney carriages) are operated by people who run them as a business and they may make their own business decisions within the licences granted by the Council. Taxis may charge the fares shown on the valid Waverley-approved fare chart as a maximum, but the proprietor of the vehicle or the driver, depending on their own arrangements, can choose to make lower charges. The fitted taxi meter (the meter) is tested for accuracy at each Council inspection. The driver must never charge more than the fares shown on the valid chart. All Waverley licensed vehicles must hold 'hire and reward' insurance, and they may be driven only by a Waverley licensed driver. Most vehicle proprietors set a fixed fee for longer journeys, such as to airports and ports for example.

Private hire vehicles (PHVs) are booked and operated under a private hire operator licence. The operator may set his/her own fares for journeys, and the car does not need to have a meter fitted. If a meter is fitted in a private hire vehicle, the current fare/tariff chart used for this meter must be submitted in advance to the Council, and the meter will be tested as part of the Council's vehicle inspection.

Both taxis and PHVs may be licensed if they are suitable, fit for purpose and within the Council's policy for licensing. Any changes/modifications to the manufacturers original construction of the vehicle including modification, adaption, fixtures, fittings, stickers, decals or decorative painting must be applied

for and authorised by the Council. Tariff meters, Waverley Licensed plates, and correct taxi roof signs are exempt and do not apply ..

More detail on vehicle licences is shown at Part 3.

#### 4. Private Hire Operators' licences

Any person wishing to run a business taking bookings for one or more private hire vehicles must hold a Waverley Private Hire Operator (PHO) licence.

A private hire vehicle may only be dispatched to a customer by a private hire operator who holds a private hire operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.

All three licences:

private hire operator's licence;

private hire driver's licence; and

private hire vehicle licence;

must be issued by the same Licensing Authority.

-Applicants for a PHO licence are subject to a 'fit and proper' test, so will need to have a criminal record check in the same way as a licensed driver would, unless they hold both licences, in which case one check might serve for both licences.

A private hire operator is a person, partnership or company licensed to take bookings and send licensed vehicles and drivers to undertake the prebooked work. He or she must have an office in the Waverley area and will keep detailed records of all bookings, including information on the licensed private hire vehicle and driver who took the passengers to their destination.

Private hire operator records are subject to occasional unannounced visits and checks by officers of the Council. More detail on operators' licences is shown in Part 4.

It is considered appropriate for the Council to check that the relevant public liability insurance has been taken out for premises that are open to the public.

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Operators application fees are dependant on the number of vehicles being operated. New application fees will also be dependant on whether the applicant is already a licensed driver, having undertaken the 'fit and proper criteria.'

#### 5. Fees are Payable for the Various Elements of All Licences



The Council usually sets its own fees and charges. This includes the fees for licences and any associated administration. The Council must advertise certain licence fees, as required by the 1976 Act. Representations may be made to the advertisement of the proposed fees, and these must then be considered by the Licensing and Regulatory Committee and Council. Licensees are notified of changes to fees once they have been confirmed.

Waverley has a scale of fees for all of the following:

- all driver licences
- all vehicle licences
- 6-monthly vehicle tests for 5-year-old vehicles (as a second instalment)
- Surrender & replacement of licence to a new vehicle
- missed appointments at the test centre
- retests if a vehicle fails its test
- private hire operator licences
- Disclosure and Barring Service application (collected by the Council for the DBS)
- Vehicle plate bracket etc
- Knowledge test and failure to attend for knowledge test

Other costs for applicants, paid direct, are:

- the medical fee, payable to the applicant's own GP surgery
- [Blue Lamp Trust DSA](#) (or equivalent [AA DriveTech BLT](#)) test fee, paid to the ~~Driving Standards Agency~~ [Blue Lamp Trust](#) or [AA](#) on booking the test
- Fitting and maintenance of the taximeter if applicable
- The taxi roof sign

## **6. Hackney Carriage Fares (Tariff)**

The Hackney Carriage fares are reviewed by the Licensing (General Purposes) Sub-Committee, usually upon request from licensees for an increase or other amendment. The process involves all licensees having the opportunity to comment on the proposed changes (a consultation with them) and a report to the Committee including comments made and a comparison with neighbouring councils' fares. Any increase approved by the Committee is then advertised in the public notices section of the local press. Any representations made are brought back to the Committee to consider. The finally agreed increase is then put into place on a set date. The current fares approved are shown in every taxi and in some private hire vehicles if they have a taxi meter allied to the same fare chart or any other set tariff.

## **7. Byelaws for hackney carriages**

Byelaws for hackney carriages were confirmed in 1980. The main body of the byelaws is set out at [Annexe 8](#). Some of the byelaws are also set out in the 'Important Notes' attached to hackney carriage licences.

## **8. Hackney Carriage Stands (Taxi Ranks)**

Taxi ranks are provided in Waverley's main population areas, and can be located as shown below. Any licensed Waverley taxi may use any of these ranks (also known as stands). In addition, Farnham, Godalming and Haslemere stations provide ranks on their own land and will, for a set fee, give a permit to licensed vehicles to work from these ranks on the basis of one permit per vehicle. Waverley licensed vehicles may never, in any circumstances, use ranks outside the Waverley area, and vehicles licensed by other councils likewise may never use Waverley ranks. Waverley's own ranks can be found at;

- ❑ Village Way, Cranleigh
- ❑ High Street/Bank Buildings Road West, Cranleigh (by the war memorial)
- ❑ West Street, Farnham
- ❑ Castle Street Farnham
- ❑ Crown Court Car Park, Godalming
- ❑ High Street, Haslemere (by Georgian House Hotel, as part of bus stop lay-by)
- ❑ (Application in progress for Bridge Street, Godalming)

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**PART 2**  
**LICENCES FOR DRIVERS**

Hackney Carriage and Private Hire Drivers - Waverley's Driver Licensing Policy

Driver's licences will be issued for 3 years as standard or for a lesser period agreed by the Council for exceptional circumstances.

New applicants should make an appointment with the Licensing Section. They will be given a checklist of documents, certificates, reports, etc which must be completed or supplied for a new application to be considered. Identification documents must be brought to the first appointment so that a Criminal Records check through the Disclosure and Barring Service (DBS) can be started (see below). The list below shows what the applicant must do:

**Disclosure and Barring Service (DBS) check:** This must be filled in and the fee paid at first appointment, with supporting documents. This is explained to applicants, and they are reminded about what papers they will need to supply/show. [Please note that the DBS check is at the 'enhanced' level, which will disclose all criminal records. Applicants are advised that the Council may take all convictions and cautions, including those 'spent' under the Rehabilitation of Offenders legislation, into account for this type of work]. The form must be completed in black ink and the Licensing Administrator will need to see documentation, so that the Council can verify the information supplied; for example

- Passport (if you hold one)
- Driving Licence
- Marriage certificate (if married)
- Printed National Insurance number (on a P45/P60)
- Proof of address - (utility bills or statements from bank, for instance, not more than three months old)

The Licensing Administrator can advise on documentation required.

The Council's policy in respect of criminal convictions (which also explains how cautions will be considered) is set out at Annexe 6. When the personal information on the form has been completed, the Licensing Administrator will take details from the documents provided to complete and send off the DBS request. The application cannot proceed until the DBS Disclosure is issued. A copy is sent direct to the applicant. This can take several weeks. When the DBS Disclosure is received, the applicant should call the licensing office (01483 523219) to make an appointment for interview. The Council will hold a DBS disclosure for three months. After this and if no contact has been made by the

applicant, the disclosure will be destroyed. Once a driver is licensed, a DBS check is required every three years.

**A Certificate of Good Conduct** (*for people who have not lived in the UK for all of the past 5 years*). It will be necessary to contact the relevant home/resident country's Consulate/Embassy in Britain to obtain a certificate of good conduct. The Licensing Administrator may be able to offer a contact number, if required.

**Medical Report** to Group 2 standard, will be completed by the applicant's own General Practitioner surgery using the Waverley form. The doctor/surgery will make its own charge for the medical. Applicants are advised to check with the Council (tel: 01483 523219) before proceeding with the medical. The Council will provide the Group 2 form to take to the GP. Unless the result of the medical is completely satisfactory, it may have to be referred to the Council's consultant doctor for a second opinion. **The consultant doctor's fee has to be paid by the licence applicant.**

**The Licensing section must receive this report within 3 months of the Doctor signing the report.**

Unless there are special circumstances in an individual case, medicals for licensed drivers are required every 3 years, (prior to the renewal of their 3 year licence). up to 65 years of age and then annually. If any serious illness occurs, an extra medical may be required, on the Council's Doctor's advice.

**DVLA Check or Data Subject Enquiry Report** - New applicants and existing licensees, on renewal, are required to undertake a DVLA online check and share of their drivers licence or a DVLA data subject enquiry report on application, having completed a mandate form.

The mandate should be refreshed every three years as part of the renewal process.

Officers may request a further check/report at any time in between if it is felt it is required.

Any refusal to grant authorisation for such a check/report will lead to refusal to grant/renew a Hackney Carriage and/or Private Hire driver's licence.

**Valid DVLA driving licence** - a full driving licence, with the current home address, held for a minimum of 2 years (No photocopies are accepted).

This will be a Department of Transport or equivalent EU driving licence.. You may be required to convert your (foreign) licence to a DVLA licence.

**Four passport size photos** (for the driver's badge) which are deemed acceptable by officers or attend offices for a digital photograph to be taken by officers.

Waverley believes that the general role and responsibilities of a hackney carriage and/or private hire driver demands high standards in driving and customer service. It also believes that such competencies can impact on both public safety, comfort and passenger experience; particularly for the vulnerable, those with disabilities and other medical conditions. Paid/professional drivers therefore require relevant knowledge, skills and experience to safely and effectively discharge their role and responsibilities to their passengers and others.

**For these reasons Waverley requires that all new driver applicants provide a Blue Lamp Trust Driving Standards Agency (DSA) pass certificate (TPH10 or AA DriveTech equivalent).** For hackney carriage/private hire drivers. ~~Waverley will accept the BLUE LAMP TRUST taxi driver assessment package as a suitable alternative/equivalent.~~ No new licence application can be considered without this pass certificate. The fee will be advised by the the relevant assessment centre. The certificate will be produced to the Council to show that the driver has undertaken and passed the Blue Lamp Trust Driving Standards Agency (DSA) certificate of competence for hackney carriage and private hire vehicles or AA Drive Tech Blue Lamp Trust equivalent.

**If you intend to drive a disabled accessible vehicle you would have to pass an extra part of the test specific to using a disabled accessible vehicle. (WTA10 or equivalent)**

Applicants can book ~~the DSA taxi test on-line via the website booking at [www.dsa.gov.uk](http://www.dsa.gov.uk), or contact the Agency by telephone (0870 0101 372) to arrange this.~~

Blue Lamp Trust on-line at [www.bluelamptrust.org.uk](http://www.bluelamptrust.org.uk), or telephone 0300 777 0157.

[AA Drive TECH on-line at tellmore@AAdrivetech.com on 0345 373 1360](mailto:tellmore@AAdrivetech.com)

#### Mandatory CSE and Safeguarding Training

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Mandatory CSE and safeguarding training for taxi and private hire drivers.

The training would include how to spot signs of child sexual exploitation and how to report concerns of children or vulnerable persons at risk using agreed Surrey processes. There will be a multiple-choice assessment to ensure understanding of the subject matter.

All new drivers are required to pass the CSE training in advance of first being licenced and all existing drivers need to pass within one year of adopting the requirement (by ??? 2018).

#### **Right to Remain and work in the United Kingdom**

Applicants for the Grant of a Licence will be required to produce documentary evidence of a right to remain and work in the UK. If an applicant has an expiry date on their right to work, any licence that may be granted will not be valid past the said expiry date unless further evidence of a right to remain or work is produced. If there is a restriction regarding the number of hours allowed to work then if a licence is granted a condition will be added to reflect said restriction.

**Application Fee** depending on licence (subject to increase). Methods of payment are by Credit/Debit card or cheques payable to Waverley Borough Council – (NO CASH is accepted at Council Offices). Applications paid for by cheque will not be processed until the cheque has been cleared by the bank. This will take approximately 12 working days.

**PLEASE NOTE NO CASH IS ACCEPTED AT COUNCIL OFFICES**

### **The Next Steps for New Applicants**

**Interview as a New Applicant, including test of knowledge** The applicant will contact the Licensing Office (01483 523219) when he/she has received the DBS disclosure, (and certificate of good conduct, if required) to arrange for an interview with Council's officers. At this time the applicant will be required to produce all the above papers/certificates. He/she will be asked to explain what they understand about driving a taxi or a private hire vehicle. The officers will help with advice on this, if necessary. The applicant will take and have to pass a written and/or verbal knowledge test of the Waverley area, its boundaries and the town where you intend to work. Questions will cover landmarks, places of interest and journeys. You will be asked to clearly and understandably describe local journeys and also journeys to a wider area (other towns, ports and airports for instance). You will be told at the end of the interview whether the licence is to be granted, and if not, what you can do next.

If the applicant fails the initial knowledge test they can arrange a further test for which an additional fee will be charged.

Please note that any application may be referred to the Council's Licensing (General Purposes) Sub-Committee for consideration. This will be explained at interview, if needed. See also Part 5 of this book which deals with the Council and its Committees.

**Renewals Once A Licence Has Been Granted: Vehicle** Licences last for one year, **Driver Licences** last for three years & **Operator Licences** last for five years, and can only be renewed while they are still 'live'. Renewal invitations may be sent by email about 6 weeks before expiry to those who have agreed to receive correspondence by email. The responsibility to ensure that a licence is renewed rests solely with the licensee. Whilst the Council may choose to remind existing licensees

that their licence is about to expire and needs renewing, there is no duty on the Council to do so. The licence-holder must apply at least 10 days prior to the expiry of the licence. It is important to allow time for the renewal to be processed. Last minute renewal applications may result in the licensee being unable to work whilst the paperwork is processed and the new licence badge issued. If there is any difficulty with this, licensees should contact the Licensing Administrator to explain the situation, and it may be that a solution can be agreed.

If you make a late application when the licence has expired, it may not be accepted as a renewal. A complete new application may be required. This can cause a delay during which the applicant is unable to work, and involves extra costs. See also **Important Note** below.

**Renewals And Subsequent Criminal Records Checks** - These are dealt with at the Waverley main offices at Godalming.

The expiry date is printed on the paper licence and on the licence badge (which must be worn and visible to passengers while working). Licences must be renewed prior to expiry. If the licence is allowed to expire, you may be required to apply for a licence as though you had not been previously licensed.

**Important Note:** If a licence has expired, even by one day, then it is no longer valid, and therefore there is nothing to renew. The applicant may have to start the full process from the beginning, and can not work as a licensed driver while this process takes place, and there are costs for the 'start again' process. Therefore it is important to apply for renewal while the licence is still live, in order to avoid having to undergo the full 'new applicant' process as above for any further licence to be considered. There is also a higher cost to the 'start-again' process.

**Hand in or return the renewal application** and supporting paperwork to the Licensing Section, Waverley Borough Council, Council Offices, The Burys, Godalming, Surrey, GU7 1HR. If you have any questions, please contact the Licensing Section on **01483 523219**. Please use this number to make any appointment needed, when you are ready.

**Conditions applied to drivers' licences:** These are shown at Annexe 1 for hackney carriage/private hire driver licences and at Annexe 2 for private hire driver licences. Specific conditions may be applied in certain special cases. These will be discussed and explained to the individual licensee as required.

### **PART 3**

#### **LICENCES FOR VEHICLES**

##### **Hackney Carriage (Taxi) and Private Hire Vehicle policy**

Hackney carriage licences are issued to various types of vehicles, purpose built, saloon and some MPV style vehicles and occasionally 4x4 vehicles if appropriate. provided that they are fit for purpose.

Private hire vehicle licences are issued for saloon, some MPV style vehicles and occasionally 4x4 vehicles if appropriate. Private hire vehicles must not look like taxis, therefore may not be purpose-built taxi style nor may they have a roof sign.

A vehicle may be licensed provided

- it is fit for the purpose (it must pass the licence vehicle condition test),
- it is suitable for the purpose (see licence conditions overleaf and consult the Licensing Office for advice before you purchase any vehicle)

##### **Age of the vehicle**

As from **1 March 2016**, there will be no age limit for a new vehicle submitted for a licence provided the vehicle is fit for purpose. However if at the date of first licensing or renewal date, the vehicle is 5 years or older then, it becomes subject to 6-monthly tests.

##### **What happens next**

The applicant will submit an application form and payment to the Council (Credit/Debit Card or Cheque payable to Waverley Borough Council – NO CASH is accepted at Council Offices) so that a vehicle test can be arranged. Applications paid for by cheque will not be processed until the cheque has been cleared by the bank. This will take approximately 12 working days.

A licence is issued for a vehicle after it has taken and passed a Ministry of Transport vehicle test (MOT) within 30 days of the renewal date, the Council test (vehicle external and internal suitability test) and where required a metered mile test, which shows that the vehicle is fit for the purpose intended. No licence is issued unless it is covered by full hire and reward insurance, which will give continuous cover while the licence is in force. A licensed vehicle may be driven only by a driver who holds the right matching licence. Insurance is not accepted if it includes an extra person who does not hold a licence from Waverley to drive the vehicle. The applicant for the licence will produce



- Firstly a fully completed application form, MOT certificate and payment, (and the licensing office will arrange a time and day for the vehicle test - )
- Before any licence or licence plate is issued, sight of test pass paper
- Evidence of current hire and reward insurance
- Sight of the registration document (or bill of sale, if newly bought).

Most of the information detailed below is also contained in the vehicle licence as conditions of the licence or as legislation and other information. The following is a quick check of what is expected for a licensed taxi:

- both the vehicle and the driver should be presentable and they must carry evidence of the licences (plate, window sticker, driver badge) in a visible position as defined in the licence conditions, unless they carry an authority to do otherwise;
- the vehicle licence number plate (white/blue for a taxi, white with a red/white for a private hire vehicle) is affixed to the back exterior of the vehicle and a window sticker must be displayed in the front window;
- for taxis and PHVs with a meter, the vehicle licence number is repeated on the fare chart , and the fare chart will be clearly visible to the passengers in the vehicle;
- a taxi will carry an illuminated 'taxi' roof sign;
- a private hire vehicle will not look like a taxi, nor will it have any roof sign;
- the driver of the vehicle will wear on the lapel or on a neck cord the licence badge issued by the Council, which includes his/her photograph and driver licence number. A cord is provided for this purpose, and a clip is available for those who prefer it. This licence badge must be visible to passengers.

### **Applying for or renewing a vehicle licence**

To renew an application for a vehicle licence for a taxi or a private hire vehicle, the licence must still be 'live'. A lapsed licence of any sort may not be renewed as it will have ceased to exist. A car with a lapsed or out-of-date licence may not be used for taxi or private hire work.

The Council has set a policy as to what is required in a licensed vehicle and it is the duty of the licence holder to ensure that the vehicle is well looked after, clean and properly insured. The Council's officers are entitled to see evidence of documents as required.

## **Policy Requirements for the vehicle licence:**

### **General**

1. A fully completed application form must be submitted with payment of the appropriate licence fee
2. Evidence of ownership (registration document, or invoice if newly purchased, followed by the updated log book within 6 - 8 weeks)
3. Current valid MOT certificate
4. Appropriate and continuing 'Hire and Reward' type insurance for the vehicle
5. The vehicle must pass the Council's vehicle inspection test
6. All licensed vehicles must carry a first aid kit, indelibly identified to the licence plate of the vehicle, which complies with the suggested list of contents included within the Approved Code of Practice and Guidance: First Aid at Work – The Health and Safety (First-Aid) Regulation 1981 L74.
7. All licensed vehicles must carry a multi-purpose dry powder or foam (AFFF) spray extinguisher conforming to British Standard EN3, minimum weight 1kg, indelibly identified to the licence plate of the vehicle.
8. Waverley Borough Council hackney carriage plates are white/blue and displayed on the rear exterior of the vehicle, issued annually unless there are special circumstances
9. Waverley Borough Council Private Hire vehicle plates are white/red and displayed on the rear exterior of the vehicle, issued annually, unless there are special circumstances
10. All licensed vehicles, without exception, must display the internal licence (front window) sticker
11. Licensed vehicles shall have not less than four passenger doors
12. Convertible vehicles shall not be licensed, but those with not more than 50% sunroof area are permitted
13. The minimum engine capacity shall be 1575 cc. Applications to licence a hybrid/electric vehicle, or any other type of vehicle with an engine capacity of less than 1575cc shall be made to the Licensing Manager in writing. Officers shall have discretion to consider the grant of a licence, provided they are satisfied with the efficiency, size, design and safety standards of the vehicle
14. Seating Capacity is determined by Road Traffic Regulations and further defined by the seatbelt provision in the vehicle offered for licensing.
15. Subject always to the vehicle being fit for the purpose and passing its test, commencing from 1 March 2016, there will be no age limit for vehicles presented to be licensed for the first time. However if on the date of first licensing or renewal date, the vehicle is 5 years or older then it becomes subject to 6-monthly tests
16. Any replacement vehicle must meet the Council's policy.
17. Mechanical Inspections - Licences are annual and an MOT is required each year (except see 19 below)

18. Interior & exterior inspections – vehicle interior & exterior inspections will be carried out on renewal inspections and may also be carried out on an ad hoc basis by council officers.
19. When a vehicle reaches five (5) years old, it shall be required to undergo an interim vehicle test (MOT & inspection by officers) 6 months after licence renewal. Vehicles in this age bracket will be issued with six-month duration plates.
20. In the event of a space saver tyre, run flat tyre (when punctured) or puncture repair kit being used it is only to complete a fare and must comply precisely with the manufacturers' recommendations. Any such tyre should be replaced before taking another fare to ensure passenger safety. All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle, and an appropriate means of changing the wheel.
21. No taxi or private hire vehicle may be dual-licensed (i.e. it shall not be accepted for licence by Waverley if it is licensed by any other licensing authority).

#### **Vehicle Testing**

There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be regarded as best practice:

22. A meter must be fitted, tested and illuminated - taxis and specified private hire vehicles only
23. The Council may charge reasonable fees to cover the issue of licences and require the production of the licence and any other documents at any reasonable time.
24. The Licensing Officer is authorised to refuse applications to license any left-hand-drive vehicles. Any dispute may be brought to the appropriate Licensing Committee in the first instance. There may also be an option for further appeal to the Courts against the Council's decision in some cases.

25. There shall be no additional tint (darkening) of windows beyond the legal limit of light transmission to minimum 75% for front and side front windows, and light transmission of minimum 70% for all other windows, or the manufacturer's specification, whichever is the lesser. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission of 75%. Tinted films applied to the vehicle windows are not permitted.

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#### **Taxis (hackney carriages) only**

26. The TAXI roof sign must be displayed on the roof (taxis only)

### **Private Hire Vehicles only**

27. Private Hire vehicles shall be of a suitable type, size and design. They should be safe and comfortable and must not appear in any way to look like a hackney carriage vehicle.
28. Private hire vehicles may carry no signs, illuminated or otherwise, unless approved by the Council (see the conditions to the private hire vehicle licence)
29. A meter need not be fitted in a private hire vehicle, but if a meter is fitted, it must be tested with the private hire operator's scale of charges, which must be supplied to the licensing authority with the licence application (see also 26 above).
30. Should an application be made to license a stretch limousine of less than 9 passenger seats and right hand drive, this will be referred to the appropriate Licensing Committee in the first instance, prior to arranging any other aspect of the licence, such as the vehicle test.
31. Private Hire Vehicles may be saloon cars, multi purpose vehicles (MPVs), some 4x4 vehicles such as Range Rover and similar high base vehicles. Applicants are advised to refer to the Licensing Office before committing to purchase any vehicle for licensing purposes, to ensure that no unnecessary outlay is made on a car which may not be suitable for licensing as a taxi or private hire vehicle.
32. The Council may, following written application, exempt the need for an operator to display the licence plate on the rear of the vehicle or the need for the driver to wear their personal badge. Where this exemption is granted the vehicle operator shall be issued with a letter of exemption which shall be retained with the vehicle plate inside the vehicle at all times. The driver must also have their badge on their person although not required to have it displayed. NOTE: The internal licence (front window) sticker must be displayed at all times.

**Conditions applied to vehicle licences** are shown at [Annexe 3](#) (hackney carriage licence) and [Annexe 4](#) (private hire licence). Vehicle specific conditions may be applied in certain special cases. These will be discussed and explained to the individual licensee as required.

## **PART 4**

### **LICENCES FOR PRIVATE HIRE OPERATORS**

Any person who wishes to take bookings for Waverley-licensed private hire vehicles and their drivers must hold a Waverley private hire operator's licence. The vehicles and the drivers themselves must also be licensed separately by Waverley. The Council has a duty to ensure that Private Hire Operators are fit and proper persons before considering the grant of the licence. New applicants

may be required to take a knowledge test and Criminal Records Bureau check, if not already in place. More information on this is set out in Part 2 above.

Applicants will be asked to state whether the business is to be operated by an individual, a company, or a partnership, and to answer questions about whether they have been or still are company director or Secretary.

**Duty of licence holder to comply with other legislation:** All applicants have a duty to comply with all other legal requirements relating to the running of a business, for example, it may be necessary to obtain planning permission for the use of the premises from which the business operates, particularly where there is an office where vehicles may gather outside. It is unlikely that planning permission would be needed for a very small operator's business when it is run from home, for instance. The Licensing Section is not able to offer advice on planning matters. Council departments and others may share the information you give, if necessary, and as the law permits.

**Insurance.** ~~It is considered appropriate for the Council to check that the relevant public liability insurance has been taken out for premises that are open to the public.~~

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~~New applicants will provide references from three persons of suitable standing for each partner named. New applicants may also~~ be required to have a Criminal Records Bureau (DBS) check, repeated every three years. If the applicant is already licensed by Waverley, the officers will advise whether these checks (the fit and proper test) will be needed, since the driver will already have provided the information.

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**All applicants** are reminded that the Council requires under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 that Private Hire Operator licences may be granted only for businesses carried on at addresses within the Waverley boundaries. Accordingly, all records must be kept at the licensed address. Licensed operators are subject to unannounced inspections of their records at any time by an authorised officer of the Council.

**Applications** have to be fully and honestly completed or they may not be accepted for processing. As stated above in relation to other licences, a private hire operator's business may have to close for a period if he/she is late in renewing an existing licence.

**Conditions applied to private hire operators' licences** are shown at Annexe 5. Specific conditions may be applied in certain special cases. These will be discussed and explained to the individual licensee as required.

## **PART 5**

### **THE COUNCIL'S LICENSING COMMITTEES**

As part of the democratic process, members are elected to serve on the Council every four years. These elected councillors are appointed to committees to manage the various types of work that they handle, and they permit the officers

to have certain authority to deal with specific matters (known as delegated authority).

All meetings of the Council, and its Committees and the Executive, are open to the public. Where a matter for discussion or decision may be sensitive or affect an individual there are rules which allow the meeting to exclude the press and public while it deals with that business.

The Council and its committees have regular meetings. The **Licensing and Regulatory Committee** deals with a variety of general licensing business. This Committee will usually consider such things as changes to licensing policies, income and expenditure, and the setting of fees for licences.

Changes to taxi and private hire licensing policies will normally be subject to consultation with licensees, which is usually both face to face at a meeting, and by email, giving opportunity for all to make comment. There are twice yearly liaison meetings between the Chairman of the Committee and the licence-holders. All licence-holders are invited by email to attend these meetings.

The Council also has a **Licensing (General Purposes) Sub-Committee**, which often follows on after the meetings of the Licensing and Regulatory Committee on the same date. It will normally deal with individual applications which need a decision, where the issues involved are beyond the scope of matters which the officers are allowed to deal with. Among other things, issues such as new or existing drivers where there may be criminal or driving convictions to deal with, complaints of a serious nature and similar situations will be considered by this Sub-Committee. Such issues are not generally considered in the open meeting, so the press and public will be excluded.

The Licensing (General Purposes) Sub-Committee will also consider requests for increases in the taxi fare scale and some miscellaneous matters.

[N.B. There are also **Licensing Sub-Committees** which deal specifically with the Licensing Act 2003 and the Gambling Act 2005 and deal with pubs, clubs and gambling matters. These meetings are normally held in the morning, starting at 10.00 am.]

## PART 6

### COMPLAINTS, DISCUSSIONS AND INTERVIEWS

On occasions, such as when a complaint is received, officers may request a licensee to attend the Council offices for discussion. The information notes at Annexe 10 outline the nature of the discussion.

If a licensee is invited to attend a formal interview (rather than an informal discussion), the licensee will be informed of his legal rights with regard to the interview.

## PART 7

### PENALTY POINTS SCHEME SYSTEM

Hackney Carriage and Private Hire Operators, Drivers and vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Conditions and the Council's Byelaws.

The aim of a penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of licence holder's behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions.

The primary objective of the penalty points scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public.

Where there is good evidence that a breach covered by the scheme has occurred (usually where this has been witnessed by a Council Officer) a Penalty Points Notice will be issued to the licensee.

Penalty points may be awarded against the proprietor of a vehicle or anyone holding a Hackney Carriage driver's licence, a Private Hire driver's licence or a Private Hire Operator's licence issued by Waverley Borough Council

Penalty Points will remain current for 3 years from the date the penalty points were issued. Points issued to either the proprietor of a vehicle or a driver will be confirmed in writing within 10 working days from the discovery of the contravention.

In the event that a driver/owner/operator commits an offence or breaches a condition as listed in the penalty points table attached at Annexe 7, he/she shall be awarded the number of points applicable to the circumstances as shown in the table for the breach/offence shown in the table.

Where a licence holder accumulates 12 penalty points or more in any three year period, the matter will be referred to the Council's Licensing (General Purposes) Sub-Committee to decide whether the licence holder is a fit and proper person. The Licensing-Sub Committee may then suspend or revoke a licence, or issue a warning to the licence holder, depending on the circumstances. Periods of suspension of a licence by a Sub-Committee will be dependant on the nature of the breaches of the legislation/conditions and the compliance history of the individual.

Any disputes regarding the issuing of penalty points should be made in writing and will be referred by the Licensing Team to the Head of Policy and Governance.

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If points are issued to a proprietor/driver for a matter which is also a criminal offence, eg bald tyres, no badge, those person(s) will not then be the subject of a prosecution by the Council regarding the same matter.

Officers will not normally issue points for any offence/breach that has been dealt with or reported for prosecution etc. or any other enforcement action taken,

The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and regulations.

Following a revocation (due to accumulation of penalty points in this scheme) a new licence will not usually be granted by the Council for a minimum period of twelve (12) months.

The Council's Penalty Points Table is set out at Annexe 7

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## **ANNEXE 1**

### **CONDITIONS OF LICENCE TO DRIVE A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE (A DUAL LICENCE)**

#### **Town Police Clauses Act 1847**

#### **Local Government (Miscellaneous Provisions) Act 1976**

#### **Conditions subject to which Licence is granted:**

1. The licence holder shall at all times
  - (a) Conduct himself/herself in a civil and orderly manner and comply with the reasonable requests of passengers in the vehicle.
  - (b) Take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
  - (c) Be well dressed, neat and clean.
  - (d)
    - (i) Convey a reasonable quantity of luggage if so required by the person hiring the vehicle;
    - (ii) Give reasonable assistance in loading and unloading the luggage;
    - (iii) Give reasonable assistance in removing luggage to or from the entrance of any place at which he may take up or set down a passenger.
  - (e) A Licensed vehicle must not carry in the vehicle more than the number of passengers, of whatever age, specified in the vehicle licence. NOTE: Every child over 3 years of age must have his/her own designated seat in the vehicle and the vehicle must accord with the seatbelt requirements set by the Road Traffic Acts in force.
  - (f) Not carry any person in the vehicle during a hiring without the express permission of the person who has first hired the vehicle
2. When the vehicle has been hired to be present at an appointed time and place the driver shall, unless delayed by some sufficient cause, punctually attend with the vehicle at that time and place.
3. After every hiring the driver shall search the vehicle for any article which may have been accidentally left in the vehicle and, if any such article is

found, shall within 48 hours (unless sooner claimed by the owner) deliver the article to the nearest convenient office of the Council.

4. The licensee shall at all times comply with the instructions of the Council or of its authorised Officers concerning any matter relating to his occupation as a Hackney Carriage or Private Hire vehicle driver.
5. When operating as a Private Hire driver the licensee shall not display signs, call out, stand with the vehicle at a taxi rank or do anything else whatsoever which is likely to give any person the impression that the vehicle is available for hire as if it is a Hackney Carriage.
6. The licensee shall notify the Council in writing as soon as possible and, in any event, within fourteen days of any:
  - (a) Change of name, change of address, change of telephone number(s); NB any telephone number given to the Council for licensing purposes shall be capable of receiving withheld numbers;
  - (b) Illness or injury affecting his fitness to drive in any way;
7. The licensee shall report to the Council in writing as soon as possible, and in any event within 7 days, details of any:
  - (a) convictions or formal police cautions;
  - (b) motoring offences or endorsements of any type, including speed awareness courses;
  - (c) charges/summons/postal requisitions/fixed penalty notices in respect of any criminal offence;
  - (d) arrest or interview under caution for any alleged offence
  - (e) any communication notifying of any alleged offence.

and the licensee is advised to contact the Licensing Administrator (01483 523219) if in any doubt of his/her duties under this condition.

#### **IMPORTANT NOTES**

1. The above conditions are **additional** to the requirements of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Disability Discrimination Act 1995, the more important of which are summarised below:
  - (i) A vehicle may not be used as a private hire vehicle unless there is a vehicle licence in force for it and the person inviting or accepting hiring's has an operator's licence (1976 Act, Section 46).
  - (ii) This licence must be produced within five days at the request of an authorised Officer of the Council or a Police Officer (1976 Act, Section 53).

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- (iii) The driver must at all times when acting under this licence wear the driver's badge issued by the Council in such position and manner as to be plainly visible (1976 Act, Section 54).
  - (iv) The driver shall not without reasonable cause unnecessarily prolong, in distance or in time, any journey for which the vehicle has been hired (1976 Act, Section 69).
2. When operating as a **hackney carriage (taxi) driver** the licensee must observe the provisions of the **byelaws** and the above mentioned Acts, among the more important of which are the following:
- (i) If the hackney carriage is standing at a rank or in a street the driver must not without reasonable excuse refuse to drive to any place within the 'prescribed distance' (i.e. the Waverley Borough) (1847 Act, Section 53).
  - (ii) The authorised fare scale must be used at all times for journeys within the Borough (however the hiring is effected) and may only be dispensed with for journeys ending outside the Borough **IF** the hirer agreed **BEFORE** the journey commences (1847 Act, Section 58; Waverley Borough Council byelaws; 1976 Act, Section 66). (It is however at the discretion of the proprietor/driver to charge **less than** the metered fare in a hackney carriage.)
  - (iii) If a hackney carriage is used for a 'private hire contract' the fare is calculated from the point at which the hirer starts the journey. A 'private hire contract' for this purpose is one made either with some person other than the driver, or when the hackney carriage is not at a rank or plying for hire (1976 Act, Section 67).
  - (iv) A hackney carriage **must not be left unattended** in a street or place of public resort or entertainment; and if it is one of the first two on a rank the driver must be ready to be hired at once (1847 Act, Section 62 and Byelaws).
  - (v) The hackney carriage/private hire driver's badge provided by the Council must be worn in a plainly visible position, i.e. on the driver's lapel, at all times when plying for hire or hired (Byelaws).
  - (vi) As a hackney carriage/private hire driver, you must be civil and orderly and give reasonable assistance with passengers' luggage (Byelaws).
  - (vii) The following condition is attached to all **hackney carriage vehicle licences** and shall be complied with by the hackney carriage driver, unless he/she holds and displays an Exemption Certificate, which must be clearly exhibited, facing outwards, on the windscreen, or in a prominent place on the dashboard:

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The licence holder/driver of the vehicle shall ensure that any disabled person wishing to travel as a passenger in the vehicle, and who is accompanied by an assistance dog, shall be accepted as a passenger together with the assistance dog, which shall remain with the passenger and be carried at no extra charge, in accordance with Section 37 A of the Disability Discrimination Act 1995.” (1995 Act, Section 37).

3. Children in taxis and private hire vehicles: If child restraints are not available in a licensed taxi or a licensed private hire vehicle, then:
- Children under three years old may travel unrestrained, but this must be in the rear of the vehicle only
  - Those aged three years and above **MUST** use an adult seatbelt, and in the rear seat only
  - Any child up to 135 cms in height (4 foot 4 inches approx) in the front seat of **any** vehicle must use the correct child seat or booster seat.
  - The driver of the vehicle is responsible for seat belt wearing by children under 14 years (except in taxis with fixed partitions).



## ANNEXE 2

### CONDITIONS OF LICENCE TO DRIVE A PRIVATE HIRE VEHICLE

#### Local Government (Miscellaneous Provisions) Act 1976

##### Conditions subject to which Licence is granted:

1. The licence holder shall at all times when acting as a driver of a Private Hire vehicle:
  - (a) Conduct himself/herself in a civil and orderly manner and comply with the reasonable requests of passengers in the vehicle.
  - (b) Take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
  - (c) Be well dressed, neat and clean.
  - (d)
    - (i) Convey a reasonable quantity of luggage if so required by the person hiring the vehicle;
    - (ii) Give reasonable assistance in loading and unloading the luggage; and
    - (iii) Give reasonable assistance in removing luggage to or from the entrance of any place at which he may take up or set down a passenger.
  - (e) Not display signs, call out, stand with the vehicle at a Hackney Carriage rank or do anything else whatsoever which is likely to give any person the impression that the vehicle is available for hire as if it were a Hackney Carriage.
  - (f) Not carry in the vehicle more than the number of passengers, of whatever age, specified in the vehicle licence. N B every child must have his/her own designated seat in the vehicle and the vehicle must accord with the seatbelt requirements set by the Road Traffic Acts in force.
  - (g) Not carry any person in the vehicle during a hiring without the express permission of the person who has first hired the vehicle

2. When the vehicle has been hired to be present at an appointed time and place the driver shall, unless delayed by some sufficient cause, punctually attend with the vehicle at that time and place.
3. After every hiring the driver shall search the vehicle for any article which may have been accidentally left in the vehicle and, if any such article is found, shall within 48 hours (unless sooner claimed by the owner) deliver the article to the nearest convenient office of the Council.
4. The licensee shall at all times comply with the instructions of the Council or of its authorised Officers concerning any matter relating to his occupation as a Hackney Carriage or Private Hire vehicle driver.
5. The licensee shall notify the Council in writing as soon as possible and, in any event, within fourteen days of any:
  - (a) Change of name, change of address, change of telephone number(s); N B any telephone number given to the Council for licensing purposes shall be capable of receiving withheld numbers;
  - (b) Illness or injury affecting his fitness to drive in any way;
6. The licensee shall report to the Council in writing as soon as possible, and in any event within 7 days, details of any:
  - (a) convictions or formal police cautions;
  - (b) motoring offences or endorsements of any type, including speed awareness courses;
  - (c) charges/summons/postal requisitions/fixed penalty notices in respect of any criminal offence;
  - (d) arrest or interview under caution for any alleged offence
  - (e) any communication notifying of any alleged offence.

and the licensee is advised to contact the Licensing Administrator (01483 523219) if in any doubt of his/her duties under this condition.

## IMPORTANT NOTES

The above conditions are **additional** to the requirements of the Local Government (Miscellaneous Provisions) Act 1976, the more important of which are summarised below:

- (i) A vehicle may not be used as a private hire vehicle unless there is a vehicle licence in force for it and the person inviting or accepting hiring's has an operator's licence (Section 46).
- (ii) This licence must be produced within five days at the request of an authorised Officer of the Council or a Police Officer (Section 53).

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- (iii) The driver must at all times when acting under this licence wear the driver's badge issued by the Council in such position and manner as to be plainly visible (Section 54).
  - (iv) The driver shall not without reasonable cause unnecessarily prolong, in distance or in time, any journey for which the vehicle has been hired (Section 69).

The licence holder/driver of the vehicle shall ensure that any disabled person wishing to travel as a passenger in the vehicle, and who is accompanied by an assistance dog, shall be accepted as a passenger together with the assistance dog, which shall remain with the passenger and be carried at no extra charge, in accordance with Section 37 A of the Disability Discrimination Act 1995." (1995 Act, Section 37).

- (v) Children in taxis and private hire vehicles: If child restraints are not available in a licensed taxi or a licensed private hire vehicle, then:
  - Children under three years old may travel unrestrained, but this must be in the rear of the vehicle only
  - Those aged three years and above MUST use an adult seatbelt, and in the rear seat only
  - Any child up to 135 cms in height (4 foot 4 inches approx) in the front seat of **any** vehicle must use the correct child seat or booster seat.
  - The driver of the vehicle is responsible for seat belt wearing by children under 14 years (except in taxis with fixed partitions).



## **ANNEXE 3**

### **HACKNEY CARRIAGE LICENCES - STANDARD CONDITIONS OF THE LICENCE**

1. The maximum permitted number of passengers is **xxxx**
2. The vehicle shall at all times when available for hire carry a roof sign and this shall be capable of illumination and connected to the taximeter, bearing the word 'TAXI'.
3. The plate supplied by the Council shall be clearly displayed on the rearexterior of the vehicle, using the bracket fixing provided, or an acceptable substitute exterior fixing method, such substitute to be agreed with the licensing enforcement officer; and the Council's fare chart and notice of the Licence Number shall be clearly displayed inside the vehicle using the window sticker and fare chart provided.
4. The vehicle shall at all times be maintained in sound and roadworthy mechanical condition and serviced according to the manufacturer's recommendations.
5. No alteration to the manufacturer's specification for the vehicle shall be carried out except with the approval of the Council.
6. The licence holder/driver of the vehicle shall ensure that any disabled person wishing to travel as a passenger in the vehicle, and who is accompanied by an assistance dog, shall be accepted as a passenger together with the assistance dog, which shall remain with the passenger and be carried at no extra charge, in accordance with Section 37A of the Disability Discrimination Act 1995.
7. The vehicle shall be kept properly taxed and insured for the purpose for which it is used (insurance shall be continuous - without breaks during the period of the licence - and shall cover hire and reward use) and the provisions of the Road Traffic Acts and all other relevant legislation shall be observed.
8. The vehicle shall carry a first aid kit and fire extinguisher, the minimum standard for which is as follows:



### **First Aid Kit**

The first aid kit must comply with the suggested list of contents for travelling first aid kits as included within the Approved Code of Practice and Guidance: First Aid at Work - The Health and Safety (First-Aid) Regulation 1981 L74. These contents include:

- A leaflet giving general guidance on first aid
- 20 individually wrapped sterile adhesive dressings (assorted sizes)
- 2 sterile eye pads
- 4 individually wrapped triangular bandages
- 6 safety pins

All drivers are responsible for ensuring that items within the first aid kit that are marked with 'best before dates' are replaced by the dates given. All other items should be checked regularly by the driver/operator, and any damaged items should be replaced.

### **Fire Extinguisher**

The vehicle shall carry a multi-purpose dry powder or foam (AFFF) spray extinguisher conforming to British Standard EN3. The minimum weight should be 1kg.

All first aid kits and fire extinguishers must be marked with the current licensed vehicle plate number, to be written in indelible ink

### **SPARE/EMERGENCY TYRE**

9. In the event of a space saver tyre, run flat tyre (when punctured) or puncture repair kit being used it is only to complete a fare and must comply precisely with the manufacturers' recommendations. Any such defective wheel should be replaced before taking another fare to ensure passenger safety.

All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle, and an appropriate means of changing the wheel

10. The proprietor may advertise his taxi company by one of the following:-
- (a) the name and telephone number of the taxi company operating the vehicle, on the rear of the 'TAXI' sign on the roof of the vehicle; or
  - (b) on the rear windscreen of the vehicle using a form of sign which does not affect visibility either in or out of the vehicle; or

- (c) on the front and/or rear doors of the vehicle or,
  - (d) as authorised in writing by the Council following written application
11. No signs (including those of a campaigning nature) or advertisements whatsoever which are visible from the outside or inside of the vehicle shall be displayed other than as mentioned in (2 & 10 above), unless applied for and authorised by the Council.
12. The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the satisfaction of the Council.
13. ~~Subject also to condition 5 above, there shall be no additional tint (darkening) of the windows of the licensed vehicle beyond the legal limit specified (to minimum 75% light transmission for front and front side windows, and minimum 70% light transmission for rear side windows and rear windows, or the manufacturer's specification, whichever is the lightest). A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission of 75%. Tinted films applied to the vehicle windows are not permitted.~~
14. The proprietor of the vehicle shall report to the Council any damage or accident affecting the safety, performance or appearance of the vehicle or the comfort or convenience of its passengers as soon as possible and, in any case, within 72 hours of the accident/damage occurring. This is in addition to any obligation to notify the Police.

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Six-monthly inspections for vehicles of 5 years and older:

Commencing on 1st March 2008, licensed vehicles of 5 years and older are subject to a six-monthly vehicle inspection. You will receive a licence plate of 6 months duration if this applies to you, and a reminder may be sent to you to arrange to have the vehicle tested in good time for issue of a plate for the further 6-month period of the licence year, once the inspection has been passed.

### IMPORTANT NOTES

The above conditions are **additional** to the relevant requirements of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, the more important of which are summarised as follows:

1. The proprietor(s) must not employ as a driver any person who does not hold a Hackney Carriage Driver's Licence (1847 Act, Section 47).
2. If the proprietor of a hackney carriage transfers his/her interest in it to another person he/she must within fourteen days give to the Council written notice of the name and address of the new proprietor (1976 Act, Section 49).

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3. The proprietor must present the vehicle for mechanical inspection within such period and at such place as the Council by notice reasonably require (1976 Act, Section 50).
  4. The proprietor of the vehicle involved in an accident affecting the safety, performance, or appearance of the vehicle or the comfort or convenience of its passengers **shall report the accident to the Council** as soon as possible and, in any case, **within 72 hours**. This is in addition to the normal obligation to notify the Police (1976 Act, Section 50).
  5. The vehicle licence and insurance certificate must be produced to an authorised officer of the Council on request (1976 Act, Section 50).
  6. Authorised officers of the Council (or Police Officers) may carry out 'spot checks' and may require further examination of the vehicle (1976 Act, Section 68).
  7. A hackney carriage must not be left unattended in any street or place of public resort or entertainment (1847 Act, Section 62).

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## **ANNEXE 4**

### **PRIVATE HIRE VEHICLE LICENCES - STANDARD CONDITIONS OF THE LICENCE**

#### Private Hire Vehicle Conditions

1. The maximum permitted number of passengers is **shown on the vehicle plate and vehicle's paper licence.**
2. The plate supplied by the Council shall be clearly displayed on the rear exterior of the vehicle, using the bracket fixing provided, or an acceptable substitute exterior fixing method, such substitute to be agreed with the licensing enforcement officer; and notice of the Licence Number shall be clearly displayed inside the vehicle using the window sticker provided.
3. The vehicle shall at all times be maintained in sound and roadworthy mechanical condition and serviced according to the manufacturer's recommendations.
4. No alteration to the manufacturer's specification for any vehicle licensed or to be licensed shall be carried out except with the approval of the Council.
5. The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the satisfaction of the Council.
6. The vehicle shall be kept properly taxed and insured for the purpose for which it is used (insurance shall be continuous - without breaks during the period of the licence - and shall cover hire and reward use) and the provisions of the Road Traffic Acts and all other relevant legislation shall be observed.
7. No signs (including those of a campaigning nature) or advertisements whatsoever which are visible from the outside or inside of the private hire vehicle shall be displayed other than as mentioned in (2 above), unless applied for and authorised by the Council.
8. The Licence holder shall ensure that neither he/she nor any person employed by him/her does anything in connection with the private hire vehicle which might lead members of the public to believe that the vehicle is standing or plying for hire in a street or acting in any way as a hackney carriage might do.

9. A taximeter need not be provided on a private hire vehicle but if one is fitted:
- (a) the taximeter shall not be altered or tampered with except with the approval of the Council, and must be retested by the Council if it is altered or if the seal/s affixed by the Council are broken;
  - (b) the fare shall be recorded on the taximeter in plainly legible figures, and the word 'FARE' shall be clearly displayed so as to apply to such figures;
  - (c) the taximeter shall be kept securely fixed in such a position that the fare recorded is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose whenever necessary.
10. The vehicle shall carry a first aid kit and fire extinguisher, the minimum standard for which is as follows:

#### **First Aid Kit**

The first aid kit must comply with the suggested list of contents for travelling first aid kits as included within the Approved Code of Practice and Guidance: First Aid at Work - The Health and Safety (First-Aid) Regulation 1981 L74. These contents include:

- A leaflet giving general guidance on first aid
- 20 individually wrapped sterile adhesive dressings (assorted sizes)
- 2 sterile eye pads
- 4 individually wrapped triangular bandages
- 6 safety pins

All drivers are responsible for ensuring that items within the first aid kit that are marked with 'best before dates' are replaced by the dates given. All other items should be checked regularly by the driver/operator, and any damaged items should be replaced.

#### **Fire Extinguisher**

The vehicle shall carry a multi-purpose dry powder or foam (AFFF) spray extinguisher conforming to British Standard EN3. The minimum weight should be 1kg.

All first aid kits and fire extinguishers must be marked with the current licensed vehicle plate number, to be written in indelible ink.

## SPARE/EMERGENCY TYRE

11. In the event of a space saver tyre, run flat tyre (when punctured) or puncture repair kit being used it is only to complete a fare and must comply precisely with the manufacturers' recommendations. Any such defective wheel should be replaced before taking another fare to ensure passenger safety. All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle, and an appropriate means of changing the wheel.
12. The licence holder/driver of the vehicle shall ensure that any disabled person wishing to travel as a passenger in the vehicle, and who is accompanied by an assistance dog, shall be accepted as a passenger together with the assistance dog, which shall remain with the passenger and be carried at no extra charge, in accordance with Section 37A of the Disability Discrimination Act 1995.
13. ~~Subject also to condition 3 above, there shall be no additional tint (darkening) of the windows of the licensed vehicle beyond the legal limit specified (to minimum 75% light transmission for front and front side windows, and minimum 70% light transmission for rear side windows and rear windows, or the manufacturer's specification, whichever is the lightest). A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission of 75%. Tinted films applied to the vehicle windows are not permitted.~~
14. The proprietor of the vehicle shall report to the Council any damage or accident affecting the safety, performance or appearance of the vehicle or the comfort or convenience of its passengers as soon as possible and, in any case, within 72 hours of the accident/damage occurring. This is in addition to any obligation to notify the Police.

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### Six-monthly inspections for vehicles of 5 years and older:

Licensed vehicles of 5 years and older are subject to a six-monthly vehicle inspection. A licence plate of 6 months duration will be provided in these circumstances, and a reminder will be sent to the proprietor to arrange to have the vehicle tested in good time for issue of a plate for the further 6-month period of the licence year, once the inspection has been passed

## IMPORTANT NOTES

The above conditions are **additional** to the relevant requirements of the Local Government (Miscellaneous Provisions) Act 1976, the more important of which are summarised as follows:

- (i) No proprietor of a private hire vehicle may employ for the purpose of any hiring a person who does not hold a Private Hire Driver's Licence, and no bookings may be invited or accepted for a private hire vehicle in the

|

course of business unless the person inviting or accepting the bookings has an operator's licence (Section 46).

- (ii) If the proprietor of a private hire vehicle transfers his/her interest in it to another person he/she must within fourteen days give to the Council written notice of the name and address of the new proprietor (Section 49).
- (iii) The proprietor must present the vehicle for mechanical inspection within such period and at such place as the Council by notice reasonably requires (Section 50).
- (iv) The proprietor of the vehicle involved in an accident affecting the safety, performance, or appearance of the vehicle or the comfort or convenience of its passengers shall report the accident to the Council as soon as possible and, in any case, within 72 hours. This is in addition to the normal obligation to notify the Police (Section 50).
- (v) The vehicle licence and insurance certificate must be produced to an authorised officer of the Council on request (Section 50).
- (vi) Authorised officers of the Council (or Police Officers) may carry out 'spot checks' and may require further examination of the vehicle (Section 68).
- (vii) If a taximeter is fitted it must be tested by the Council (Section 71).

In addition it should be noted that it is unlawful to stand or ply for hire in any street within the Waverley Borough without a Hackney Carriage Licence.

## **ANNEXE 5**

### **PRIVATE HIRE OPERATOR - STANDARD CONDITIONS OF THE LICENCE**

1. The operator shall keep in a form similar to that set out in Appendix A (overleaf) a record of all the particulars prescribed therein in respect of every booking of a private hire vehicle operated by him/her, whether the booking is effected directly with the hirer or undertaken at the request of another operator.
2. The operator shall keep in a form similar to that set out in Appendix B (overleaf) a record of the particulars prescribed therein in respect of every private hire vehicle operated by him/her.
3. The operator shall notify the Council of any material change in the circumstances on the basis of which the Licence was granted, in particular the operator must inform the Council of:-
  - (a) any change of address;
  - (b) any change in the nature of the business carried on by him/her;
  - (c) any change in the composition of the firm, if a partnership;
  - (d) any convictions, formal police cautions, motoring offences or endorsements, fixed penalty notices, charge/summons/postal requisition, arrest or interview under caution and any communication notifying of any alleged offences against the operator or a partner of the operator or a company of which the operator is a director or secretary;
  - (e) any other change in the information given by the operator to the Council at the time of granting the current Licence.

Notification must be given in writing within 14 days of the event.

4. No advertising material, letter headings or other stationery, or any business name used by the operator, shall include the words 'taxi' or 'cab' whether in the singular or plural and whether they form part of another word or not, unless the proprietor is the holder of a Hackney Carriage Licence issued by the Council.
5. The operator shall ensure that neither he/she nor any person employed by him/her causes or permits anything to be done which could lead a member of the public to believe that a private hire vehicle operated by him/her is standing or plying for hire in a street.
6. When a booking is accepted for a private hire vehicle to be present at a particular time and place, the operator shall take all reasonable steps to ensure that such a vehicle is so present.



## **.IMPORTANT NOTE**

The above conditions are **additional** to the requirements of the Local Government (Miscellaneous Provisions) Act 1976, the more important of which are summarised below:-

- (i) No operator shall operate any vehicle in a controlled district as a private hire vehicle unless both vehicle and driver are correctly licensed under the Act (Section 46).
- (ii) An operator who accepts a booking for a private hire vehicle is liable under the contract for its hire, whether or not he/she provides the vehicle (Section 56(1)).
- (iii) The particulars required to be kept under conditions (i) and (ii) must be produced to an authorised Officer of the Council or to a Police Officer when required (Section 56(2) and (3)), as must this Licence (Section 56(4)).

### **In addition note:-**

- (a) to 'operate' a private hire vehicle is to make provision in the course of business for the invitation or acceptance of bookings for it;
- (b) this Licence is granted to a particular person and cannot be sold or transferred. Therefore, for example, a new owner of the business must apply for a new licence;
- (c) the carrying on of a business may need planning permission for the building from which the business operates, registration of a business name, etc. Operators must comply with all relevant legislation.

### **APPENDIX A**

Date of Booking	Time of Booking	Place(s) where passengers collected from	Place or places where passengers set down	PHV licence number of vehicle	PHD licence number of driver	Far e	Mete r used (Y/N)

### **APPENDIX B**

Private Hire Vehicle licence number	Registration Number	Make and Model	Proprietor of vehicle	Council issuing the vehicle licence	Date of vehicle licence expiry	Remarks

## ANNEXE 6

### STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS

~~When submitting an application for a licence to drive a hackney carriage or private hire vehicle or to be a Private Hire Operator you must declare any convictions or cautions you may have, including any “spent” convictions under the Rehabilitation of Offenders Act 1974. This Act has been amended so that Local Authorities may take into account spent convictions for the purpose of considering applications for these licences. The information received will be treated in confidence and will only be taken into account in relation to your application.~~

~~The licensing authority is unable to consider applications for such licences until a check has been made with the Criminal Records Bureau (DBS) for the existence and content of any criminal record held in the name of an applicant. Information received from the DBS will be kept in strict confidence and will only be retained as long as necessary. The DBS will, upon an application, send copies of information (called ‘the Disclosure’) to the applicant. The check will take the form of an “enhanced” check and the fee should be made to Waverley Borough Council. *[For your information, the Criminal Records Bureau is a Government agency, independent from the Council, and deals with applications nationwide for a variety of purposes. It sets the fees for checks and the fees collected by Waverley are subsequently paid on to the DBS on an account basis.]*~~

~~The disclosure of a criminal record or other information does not debar an applicant from gaining a licence unless the authority considers that the conviction means that the applicant is not a fit and proper person. In making its decision, the Council will consider the nature of the offence, how long ago and what age the applicant was when it was committed and any other factors which may be relevant. Any applicant refused a licence on the ground that he/she is not a fit and proper person to hold such a licence has a right of appeal to a Magistrates’ Court.~~

~~— Applicants who would like to discuss what effect a conviction might have on their application may telephone the Licensing Administrator on 01483 523219, in confidence, for advice.~~

~~— Please note, however, that the officers are not authorised to approve any application which shows convictions for offences which might affect the suitability of a person to hold a licence *[Waverley Borough Council’s Scheme of Delegation of Functions]* and applications will have to be submitted to a meeting of the Licensing (General Purposes) Sub-Committee.~~

~~The Council will have regard to the following guidelines. (Please note, the offences referred to in the guidelines are not exhaustive and applicants/licensees convicted of other offences may be refused licence or~~

~~have their licence suspended or revoked if not fit and proper to hold a licence due to the nature/circumstances/number of such offences).~~

## ~~1. The Guidelines Traffic Offences~~

### ~~a. Traffic Offences, New Applicants~~

~~Convictions/fixd penalties for traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of offences will be taken into account. In some cases it may be appropriate to issue a licence together with a strong written warning as to future driving conduct.~~

~~If a significant history of offences is disclosed, refusal of an application may result.~~

~~Any new applicant who has a total of 9 penalty points, and/or 6 or more penalty points for a single offence) on his driving licence should expect their application to be heard at a hearing of the Council's Licensing Regulatory Sub-Committee. The Sub-Committee will then decide the application on its own merits, and may:~~

- ~~\_\_\_\_\_ a) Issue the licence with or without a written warning~~
- ~~\_\_\_\_\_ b) Refuse the application.~~

~~A Licence may only be granted if the Sub-Committee are satisfied that the applicant is a fit and proper person.~~

~~For any minor offences totalling 8 or fewer points or less than 6 points for a single offence on an applicant's licence, a licence may be granted by the Licensing Manager with words of advice with regards to future conduct.~~

### ~~b. Traffic Offences – Existing Licence Holders~~

~~Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times.~~

~~Convictions for traffic offences should not prevent a person from proceeding with a renewal of their licence. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving requirements~~

~~Any existing licence holder who has 9 penalty points or more and/or 6 penalty points for a single offence on his driving licence will be expected to go before the Sub-Committee to explain their offences. The Licensing~~

~~(General Purposes) Sub-Committee will decide the case on its own merits, and may~~

- ~~a) Take no further action~~
- ~~b) Take informal action~~
- ~~c) Suspend the Licence for a period of time~~
- ~~d) Revoke the licence~~
- ~~e) (in the case of a renewal application) renew the licence~~
- ~~f) (in the case of a renewal application) refuse to renew the licence~~

~~Licensees who are sentenced by a court to a discretionary disqualification in place of penalty points may be referred to the Sub-Committee. Existing hackney carriage/private hire driver's licence holders at the date of implementation of this policy will not be referred to the Sub-Committee/have their licence suspended/revoked solely on the basis of convictions/cautions/endorsements existing at the date of implementation of this policy provided the same were declared on application/renewal and notified to the Council as required by condition 6 of their private hire driver's licence or condition 7 of their private hire/hackney carriage (dual) driver's licence).~~

#### ~~C, "Traffic Offences – New Applicants and Existing Licence Holders.–~~

~~In calculating the total number of penalty points on a person's driving licence/record, any points in respect of offences committed more than three years before another will be disregarded."~~

#### ~~2. Insurance Offences~~

~~The Council takes a serious view of convictions for using/permitting use of a vehicle without insurance. An isolated incident in the past should not necessarily debar an applicant from being issued a licence. More than one conviction for these offences should raise serious doubts as to an applicant's suitability to hold a hackney carriage or private hire licence. In this instance, at least 3 years should elapse (after restoration of the DVLA driving licence) before an applicant who has been disqualified from driving in connection with an insurance offence, is considered for a hackney carriage or private hire licence.~~

~~Existing licence holders convicted of using/permitting use of a vehicle without insurance will be referred to Committee.~~

#### ~~3. Sexual Offences~~

~~As hackney carriage and private hire drivers often carry unaccompanied passengers, any new applicants with convictions or cautions for any sexual offence, will not be granted a licence.~~

~~A licensee should expect to have his licence revoked if convicted of any sexual offence or suspended with immediate effect if being investigated/charged etc for any sexual offence.~~

#### ~~4. Drunkenness~~

~~This section has been divided into two separate sections: drink driving and drunkenness without a motor vehicle. Both sections apply to new applicants as well as existing licence holders~~

~~a. **With a Motor Vehicle**~~

~~The Council views driving or being in charge of a vehicle whilst under the influence of drugs or alcohol as a serious offence.~~

~~The offences that apply to this section include:~~

- ~~• Driving or attempting to drive with alcohol above the limit~~
- ~~• In charge of a vehicle, driving or attempting to drive when unfit through drink~~
- ~~• Refusal to provide a specimen of breath/blood/urine for analysis~~

~~**New Applicants**~~

~~Although an isolated incident will not necessarily debar an applicant, a single conviction for any drink driving offence will require a period of 2 years to elapse after the restoration of their DVLA licence, before being considered for a licence~~

~~More than one incident should raise grave doubts as to future behaviour and the applicant's fitness to hold a licence. At least 5 years should elapse (after restoration of the DVLA licence) before an application is considered.~~

~~**Existing Drivers**~~

~~A driver found guilty of driving passengers for hire or reward whilst under the influence of drink or of refusing to provide a specimen of breath or blood for analysis should expect to have his hackney carriage or private hire drivers licence revoked **IMMEDIATELY and a further application should not normally be considered until a period of 5 years has elapsed after restoration of the DVLA licence.**~~

~~If a driver's licence has been revoked by the DVLA for offences relating to drink driving, but not when driving for hire or reward, then any application to renew a hackney carriage or private hire vehicle licence should not be considered until a period of 2 years has elapsed after restoration of their DVLA licence.~~

~~**b. Without a Motor Vehicle**~~

~~Conviction(s)/caution(s) for drunkenness not associated with a motor vehicle may result in referral to the Sub-Committee for consideration both for new applicants and existing licence holders.~~

~~**In both cases**~~

~~More than one conviction/caution of drunkenness or refusal to provide a specimen may indicate a medical problem and the applicant may be asked to submit to a medical examination by a medical practitioner~~

~~nominated by the Council, before the application is entertained. If the results of the examination show the applicant to be an alcoholic, the applicant must undertake treatment and a period of 5 years should elapse after treatment is complete and the Sub-Committee must agree that they are a fit and proper person to hold such a licence before a further application is granted.~~

## ~~5. Drug Offences~~

~~A serious view is taken of any drug related offence. An applicant with a conviction/caution for a drug related offence should be required to show a period of at least 3 years free from conviction/caution before an application is entertained. If the applicant was required to undergo detoxification treatment, a period of 5 years free from conviction/caution after the end of treatment is required. In both instances, before a further application is entertained, a specialist medical examination will be required with negative urine screen for drugs or drug abuse.~~

~~An existing licensee convicted of/ cautioned for a drug offence can expect to have their licence revoked/suspended.~~

## ~~6. Violence~~

~~As hackney carriage and private hire drivers maintain close contact with the public, any previous convictions for violence will be treated seriously.~~

~~(a) An application/licence will normally be refused or revoked for the following offences, regardless of the period of time elapsed after the date of conviction:~~

- ~~• Murder~~
- ~~• Manslaughter~~
- ~~• Causing death by reckless/careless/dangerous driving~~

~~(b) An application/licence should be refused, revoked or suspended where the applicant has a conviction for one of the following offences and (in the case of an application) where the conviction is **less than 10 years** prior to the date of application:~~

- ~~• Arson~~
- ~~• Malicious wounding or grievous bodily harm which is racially aggravated~~
- ~~• Actual bodily harm which is racially aggravated~~

~~(c) An application/licence should be refused, revoked or suspended where the applicant has a conviction for one of the following offences and (in the case of an application) where the conviction is **less than 5 years** prior to the date of application:~~

- ~~• Grievous bodily harm with intent~~
- ~~• Unlawful wounding with intent~~

- Grievous bodily harm
- Unlawful wounding
- Robbery

(d) An application/licence should be refused, revoked or suspended where the applicant/licensee has a conviction/caution for one of the following offences and (in the case of an application) where a conviction/caution is

**less than 3 years** prior to the date of application:

- Assault, including common assault/battery
- Affray
- Possession of offensive weapon
- Possession of firearm
- Criminal damage
- Violent disorder
- Resisting arrest
- s.4 Public Order Act 1986 offence (fear or provocation of violence)
- s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- harassment

#### **7. Dishonesty**

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public, for example, by demanding more than the legal fare or giving incorrect change.

Overseas visitors can be confused by the change in currency and become "fairgame" for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by them retaining any lost property left in their vehicle.

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. The Council also expects licensees to be open and honest in their dealings with the Council. For these reasons a serious view is taken of any convictions involving dishonesty.

An application/licence should be refused/revoked/suspended where the applicant /licensee has a conviction/caution for one of the following offences and (in the case of an application) where a conviction/caution is less than 3 years prior to the date of application:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception

- Making off without payment

### 8.Cautions

~~An applicant/ licensee who has/receives a caution for any offence may be referred to the Sub-Committee, who will consider the nature and circumstances of the offence in determining its relevance to an applicant's/licensee's fitness and propriety to hold a licence.~~

~~**Existing hackney carriage/private hire driver's licence holders at the date of implementation of this policy** will not be referred to the Sub-Committee/have their licence suspended/revoked solely on the basis of convictions/cautions/endorsements existing at the date of implementation of this policy provided the same were declared on application/renewal and notified to the Council as required by condition 6 of their private hire driver's licence or condition 7 of their private hire/hackney carriage (dual) driver's licence.~~

Hackney Carriage & Private Hire Licensing

Policy regarding the relevance of convictions and other related information



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## 1. Introduction

1.1 This policy sets out the criteria to be taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a Hackney Carriage and/or Private Hire Driver Licence. In addition to criminal convictions the Council will also take into account other factors such as demeanour, attitude, general character, non-criminal behaviour and police or other relevant records or information from a reliable source.

1.2 Whilst this policy primarily applies to the determination of driver licences, where a conviction (as defined below) is considered relevant to the fitness and propriety/suitability of an individual to hold or be granted a Private Hire Operator Licence or vehicle licence, then this policy must be referred to in the determination of that licence/application.

1.3 The Council is mindful that each case must be considered on its merits and where exceptional circumstances demand, the Council may depart from this policy.

1.4 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:

- Applicants for a driver's, vehicle or private hire operator licence
- Existing licensees whose licences are being reviewed or renewed
- Licensing officers
- Members of the licensing committee/sub-committee
- Magistrates and Judges hearing appeals against local authority decisions

1.5 For renewal applications and current licence holders the policy will not be applied retrospectively. However the policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence.

1.6 It is the responsibility of Waverley Borough Council (referred to as the Council) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and the Hackney Carriage Byelaws. In exercising this duty the Council must consider the need to ensure the safety of the public its primary consideration. Licences cannot be issued unless the person is considered to be 'fit and proper'.

1.7 In seeking to safeguard the safety of the public. The council will be concerned to ensure:

- That a person/applicant is fit and proper in accordance with Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safety of children, young persons and vulnerable adults

1.8 There is no judicially approved test of fitness and propriety and, accordingly, a number of local tests have developed. These tend to be based on a test similar to the following:

'Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get in to a vehicle with this person alone?'

If the answer to this question (or a similar test) is an unqualified 'Yes' then the test is probably satisfied. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether this person is a fit and proper person to hold a hackney carriage driver's licence.

1.9 The Council will undertake whatever checks it considers necessary to ensure that licences are not issued to unsuitable people. In assessing the suitability of an applicant or licence holder, the council will take into consideration the following factors:

- Criminality
- Number of endorsed DVLA driving licence penalty points
- The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process).
- The previous licensing history of existing / former licence holders.

In addition, the Council will also consider further information from sources such as, but not limited to, the Police (including abduction notices), Children and Adult Safeguarding Boards, Multi Agency Safeguarding Hub, Social Services other licensing authorities, other departments within the Council, and statutory agencies.

1.10 In this policy, the word "applicant" refers to either new applicants, existing licence holders who are seeking renewal and existing licence holders who are being considered by the Council by virtue of offending activity having recently come to light.

1.11 In this policy, the word "conviction" is to be defined as including convictions, cautions, warnings, reprimands and other relevant information.

1.12 The Council reserves the right to overturn or annul a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered.

1.13 As licensed drivers often carry unaccompanied and vulnerable passengers, the council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. A licensed PHV or taxi driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. Taking drugs and driving poses an obvious risk to public safety, whilst applicants who have convictions for the supply of drugs should also be treated with considerable concern. The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered carefully. As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public.

## 2 General Policy

2.1 Whilst the Council may consider that an applicant with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:

- a. Remain free of conviction for an appropriate period as detailed below; and
- b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that an applicant is a fit and proper person to hold a licence.

2.2 The standards and criteria set out in paragraphs 4 to 18 below are those that would normally be applied to applications and licences. The Council may depart from these criteria, however it will only do so in exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

## 3 Powers

3.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976 allow the council to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence, of failure to comply with the provisions of the Town Police Clauses Act 1847 or of failure to comply with the

provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or if he/she has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or for any other reasonable cause.

3.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, allows the council to take into account all convictions recorded against an applicant or the holder of a Private Hire or Hackney Carriage driver's licence, whether spent or not. Therefore the council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.

#### 4 Consideration of disclosed criminal history

4.1 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the council is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Operator or Vehicle driver's licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the council will look at:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of the conviction, warning, caution etc.
- Circumstances of the individual concerned
- Any sentence imposed by the court
- The applicant's age at the time of offence / incident leading to the conviction, warning, caution etc.
- Whether they form part of a pattern of offending
- The applicant's attitude
- Any other character check considered reasonable (e.g. personal references if requested by the Council)
- Any other factors that might be relevant, for example:
  - The previous conduct of an existing or former licence holder,
  - Whether the applicant has intentionally misled the council or lied as part of the application process,
  - Information provided by other agencies/council departments.

Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

4.2 In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that

the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term ‘since completion of sentence’ is to be construed in a similar way.

4.3 Existing holders of driver’s licences are required to notify the council in writing within five working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the council within 3 working days of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications.

4.4 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

4.5 Any offences or behaviour not expressly covered by this Policy may still be taken into account.

## 5 Options when determining an application/licence

5.1 When determining an application or reviewing an existing licence in relation to convictions or other relevant information the Council have the following options:

- grant the licence or take no further action
- grant the licence with additional conditions
- refuse, revoke, or suspend the licence
- issue a warning which may include the use of enforcement penalty points

5.2 If a licence holder’s conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

## 6. Offences involving violence

6.1 Licensed drivers have close regular contact with the public. A licence will not normally be granted if the applicant has a conviction for an offence that involved the loss of life such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving

- Terrorism offences
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

6.2 A licence will not normally be granted until at least 10 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm
- Assault occasioning actual bodily harm
- Grievous bodily harm
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Violent disorder
- Common assault
- Resisting arrest
- Any racially-aggravated offence against a person or property
- Affray
- Any offence that may be categorised as domestic violence
- Harassment, alarm or distress, intentional harassment or fear of provocation of violence
- Any offence (including attempted or conspiracy to commit offences) similar to those above.

6.3 A licence will not normally be granted until at least 5 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:

- Obstruction
- Criminal damage
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

6.4 A licence will not normally be granted if an applicant has more than one conviction for an offence of a violent nature.

7. Offences involving a weapon (not a firearm)

7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public. For firearms offences see 6.2.

7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 5 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

7.3 2 or more convictions for a violent offence will normally result in an application being refused.

## 8. Sexual and indecency offences

8.1 All sexual and indecency offences will be considered as serious. Applicants with convictions for sexual or indecency offences that involve a third party will normally be refused. Such offences include:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography.
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Making obscene / indecent telephone calls
- Indecent exposure
- Any similar offences (including attempted or conspiracy to commit) or offences which replace the above

8.2 In addition to the above the council will not normally grant a licence to any applicant who is or has ever been on the Sex Offenders Register or similar register.

## 9. Dishonesty

9.1 A serious view is taken of any conviction involving dishonesty.

9.2 A minimum period of 5 years free of conviction or at least 5 years since the completion of sentence (whichever is longer) is required to have passed before a licence is granted. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- false representation
- obtaining money or property by deception



- other deception
- taking a vehicle without consent
- fare overcharging
- or any similar offences (including attempted or conspiracy to commit) or offences which replace the above

9.3 A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

9.4 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will normally be rejected or refused.

## 10. Alcohol and Drugs

10.1 A serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs or where the driver has been found to be under the influence of psychoactive substances.

10.2 At least 5 years, after the restoration of the DVLA driving licence following a drink drive or driving when under the influence of drugs conviction should elapse before an application will be granted.

10.3 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 10 years or at least 10 years have passed since the completion of any sentence and/or licence period, whichever is the greater. There will then be full consideration of the nature of the offence and the quantity /type of drugs involved.

10.4 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs.

10.5 If there is evidence of persistent drugs or alcohol use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the applicant was an addict (drug or alcohol) then they would be required to show evidence of 8 years free from drug taking after detoxification treatment.

10.6 A licence will not normally be granted for drunkenness offences not involving a motor vehicle for a period of one year after a single conviction and 2 years after 2 or more convictions within 2 years of each other.

## 11. Driving offences involving the loss of life

11.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

11.2 A licence will not normally be granted if an applicant has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

## 12 Other traffic offences

12.1 Traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a court), or offences of a similar nature will give rise to serious doubts about the applicant's suitability to be a driving professional. An applicant with any such convictions will be required to show a period of at least 1 year free of such convictions. For applicants with more than one offence this should normally be increased to 2 years.

12.2 At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would be granted for a Hackney Carriage or Private Hire drivers licence.

12.3 Traffic offences such as obstruction, some speeding offences (usually dealt with by means of a fixed penalty), pedestrian crossing offences, traffic light offences waiting in a restricted area, or offences of a similar nature may not ordinarily merit refusal. However, with existing licensees they may be subject to separate consideration as part of the Penalty Points Enforcement Policy.

12.4 In cases where the courts have imposed a disqualification in respect of the DVLA driving licence, the periods stated above should normally commence from the date of the restoration of the licence.

12.5 In this policy, the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

12.6 In "totting up" cases where disqualification is considered by the Court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, the licensing authority is likely to refuse a hackney carriage or private hire driver's licence because different criteria apply. An applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

## 13 Outstanding Charges or Summonses

13.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.

13.2 If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

#### 14 People banned from working with children and vulnerable adults

14.1 A serious view is to be taken of any applicant or licence holder who has been banned from working with children or vulnerable adults. A licence will not be normally be granted if an applicant has been found unfit to work with children or vulnerable adults.

#### 15 Non-conviction information

15.1 The Council will take into account intelligence which has not led to a conviction. This may include but not be limited to information regarding acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, civil penalties and complaints from the public. In considering the most appropriate action to take following the receipt of information), the credibility of both the witness / complainant and the licence holder will be taken into account.

15.2 If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application or revoking an existing licence.

15.3 In assessing the action to take, public safety will be the paramount concern. Decisions will be taken on balance of probability.

15.4 A licence will not normally be granted until at least 1 year has elapsed since a Criminal Behaviour Order.

#### 16 Licensing Offences

16.1 Offences under taxi and private hire and associated legislation such as plying for hire without a licence, overcharging and refusing to carry disabled persons will prevent a licence being granted or renewed until a period of 3 years has passed since conviction.

#### 17 Insurance Offences

17.1 A serious view will be taken of convictions for driving, being in charge of a vehicle without insurance, or allowing person to drive whilst uninsured. A previous isolated incident will not necessarily stop a licence being granted provided an individual has been free of conviction for 3 years. However strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted or renewed.

17.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward without insurance will have his Operator's Licence reviewed with a view to revocation and will not be permitted to hold a licence for a period of at least 3 years from the date of any revocation.

17.3 Where a specific offence is not mentioned, a suitable period of time will be determined by reference to offences described. The Council reserves the right to refuse a licence where there are aggravating circumstances, even where these guidelines would otherwise indicate that a licence might be granted.

## 18 Applicants with periods of residency outside the UK

18.1 Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals a disclosure that is similar to the UK DBS will be required, for those countries for which checks are not available, the council will require a certificate of good conduct authenticated by the relevant embassy.

18.2 If an applicant has spent six continuous months or more overseas (since the age of 16) the council will expect to see evidence of a criminal record check from the country / countries visited covering the period.

## 19 Summary

19.1 Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed, in most cases, an applicant would be expected to have remained free from conviction for 3 to 10 years (detailed above), before an application is likely to be successful. If there is any doubt about the suitability of an individual to be licensed, the Council will be mindful of the need to protect the public and caution will be exercised.

19.2 While it is possible that an applicant may have a number of convictions that, individually, do not prevent a licence from being granted, the overall offending history will be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Some discretion may be afforded if an offence is isolated and there are

mitigating circumstances, but the overriding consideration is the protection of the public.

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## ANNEXE 7

<u>PENALTY POINTS SCHEME</u>	<u>Offence/Breach of Condition</u>	<u>Maximum Points Applicable</u>	<u>Driver</u>	<u>Vehicle Owner or Operator</u>
1	Providing false or misleading information on licence application form/failing to provide relevant information or the relevant fee (including dishonoured cheques)	6	✓	✓
2	Failure to produce relevant documents within timescale when requested by an authorised officer	4	✓	✓
3	Failure to notify, in writing, the Council of change of address within 14 calendar days	3	✓	✓
4	Failure to report, in writing, within 72 hours accident or damage to licensed vehicle, in accordance with licence condition	4	✓	✓
5	Failure to notify the Council, in writing, of any motoring offences/endorsements or criminal convictions/cautions or charges brought against them within 7 days	4	✓	✓
6	Failure to submit renewal application at least 10 days before expiry	4	✓	✓
7	Littering	3	✓	✓
8	Failure to provide proof of insurance cover when requested	4	✓	✓
9	Failure to notify, in writing, within fourteen days a change in medical circumstances	4	✓	
10	Failure to notify transfer of licence Private Hire or Hackney Carriage vehicle	4		✓
11	Failure to carry an assistance dog without requisite exemption	12	✓	
12	Failure to wear driver's badge or have prominently displayed so a customer can see it	4	✓	
13	Driver not holding a current/valid DVLA Licence	12	✓	

<u>PENALTY POINTS SCHEME</u>	<u>Offence/Breach of Condition</u>	<u>Maximum Points Applicable</u>	<u>Driver</u>	<u>Vehicle Owner or Operator</u>
14	Unsatisfactory appearance of driver	3	✓	
15	Refusal to accept hiring without reasonable cause eg drunk or rude customer	6	✓	
16	Using a non approved or non-calibrated taximeter	4		✓
17	Failure to display fare card	3	✓	
18	Hackney Carriage vehicle unattended on a rank not available for immediate hire	4	✓	
19	Failure to observe rank discipline. (Hackney Carriage)	3	✓	
20	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	6	✓	
21	Using unlicensed vehicle or vehicle without insurance	12	✓	✓
22	Using a vehicle subject to a suspension order issued by an authorised officer or a police officer	12	✓	
23	Using a vehicle for which the licence has been suspended or revoked	12	✓	
24	Unsatisfactory condition of vehicle, interior or exterior	4	✓	✓
25	Failure to display external/internal licence plate or signs in accordance with Policy	4	✓	✓
26	Carrying more passengers than stated on the vehicle licence	6	✓	
27	Failure to return vehicle licence plate within 7 days after due notice following revocation or suspension of such licence	6		✓
28	Dashboard warning light illuminated	4	✓	
29	Failure to carry fire extinguisher in accordance with Policy	3	✓	✓
30	Failure to carry first aid kit in accordance with Policy	3	✓	✓

<u>PENALTY POINTS SCHEME</u>	<u>Offence/Breach of Condition</u>	<u>Maximum Points Applicable</u>	<u>Driver</u>	<u>Vehicle Owner or Operator</u>
31	Displaying unsuitable, unauthorised or inappropriately sited signs or advertisements in or on the vehicle	6		✓
32	Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle	8	✓	✓
33	Smoking, <del>using e-cigarettes and/or vape sticks</del> or strong evidence of <del>any of these</del> smoking in the vehicle	6	✓	
34	<del>Illegally Pplying for hire in a Private Hire vehicle</del>	<del>129</del>	✓	
35	Parking/Stopping a Private Hire Vehicle on a rank	9	✓	
36	Parking/Stopping a Private Hire Vehicle within 100 meters of a rank without a booked fare	6	✓	
37	Displaying any feature on private hire vehicle that may suggest that it is a taxi	6	✓	✓
38	Misleading use of the words 'Taxi' or 'Cab' on advertising materials	6	✓	✓
39	Failure to produce on request records of drivers work activity	4		✓
40	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced	6		✓
41	Abusive behaviour to Council Officer	5	✓	✓
42	Unsatisfactory behaviour or conduct of driver	1-12	✓	✓
43	Failure to give assistance with loading/unloading when requested	3	✓	
44	Failure to carry legal spare wheel or repair kit and tools if run flat tyres are not fitted	3	✓	✓
45	Minor vehicle defects e.g. blown exhaust, ineffective/broken windscreen wiper/washer	3	✓	
46	Urinating or defecating in a public place	5	✓	
47	Failure to comply with any other licensed conditions	3	✓	✓



<u>PENALTY POINTS SCHEME</u>	<u>Offence/Breach of Condition</u>	<u>Maximum Points Applicable</u>	<u>Driver</u>	<u>Vehicle Owner or Operator</u>
48	A licensed vehicle with a bald tyre or other major defect	5 per tyre	✓	✓
49	Minor contravention of a section of the Road Traffic Act or other legislation relating to vehicle, driver or operator licensing	3	✓	
50	Parking in contravention of public highway parking restrictions	3	✓	
51	Parking/stopping or picking up or dropping passengers on zigzags of a pedestrian crossing or school entrance	3	✓	
52	Waiting or stopping on a double yellow line area, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle	3	✓	
53	Use of hand held mobile device (eg mobile phone) whilst driving licensed vehicle	12 <del>6</del>	✓	
54	Eating or drinking whilst driving a licensed vehicle	3	✓	
55	Points awarded by Licensing Sub-Committee where matters referred to them for decision	1-12	✓	✓

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## **ANNEXE 8**

**NOTE:** By virtue of a Charter, Waverley District Council was granted Borough status from 21st February 1984 and these Byelaws remain in force in respect of the area now known as Waverley Borough.

### **BYELAW NO 17 - STANDS FOR HACKNEY CARRIAGES**

Pursuant to Section 63 of the Local Government (Miscellaneous Provisions) Act 1976, the Waverley District Council has appointed each of the several places specified in the following list as a stand for such number of Hackney Carriages as is specified in the list (*the latest list of hackney carriage stands is set out at page 6? of this booklet*)

#### **WAVERLEY DISTRICT COUNCIL**

#### **BYE-LAWS**

**made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875 by the Waverley District Council with respect to Hackney Carriages in the Waverley District.**

#### **Interpretation**

1. Throughout these bye-laws "the Council" means the Waverley District Council and "the district" means the whole Waverley District.

#### **Provisions regulating the manner in which the number of each Hackney Carriage corresponding with the number of its licence, shall be displayed**

2. (a) The proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto:
- (b) A proprietor or driver of a Hackney Carriage shall:
  - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
  - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

#### **Provisions regulating how Hackney Carriages are to be**

**furnished or provided**

3. The proprietor of a Hackney Carriage shall:
- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
  - (b) cause the roof or covering to be kept watertight;
  - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
  - (d) cause the seats to be properly cushioned or covered;
  - (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
  - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
  - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
  - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
  - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say
- (i) If the taximeter is fitted with a flag or other device bearing the words "**FOR HIRE**":
    - (a) The words "**FOR HIRE**" shall be exhibited on each side of the flag or other device in plain letters at least one inch in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible;
    - (b) when the flag or other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible;
    - (c) when the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter.
  - (ii) If the taximeter is not fitted with a flag or other device bearing the words "**FOR HIRE**":

- (a) the taximeter shall be fitted with a key or other device the turning of which will bring the machinery of the taximeter into action and cause the word “HIRED” to appear on the face of the taximeter;
- (b) such key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter.
- (iii) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take in pursuance of the bye-law in that behalf for the hire of the carriage by distance.
- (iv) The word “FARE” shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
- (v) The taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.
- (vi) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
5. The proprietor of a Hackney Carriage provided with a taximeter not fitted with a flag or other device bearing the words “FOR HIRE” shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:
- (i) The sign will bear the words “FOR HIRE” in plain letters at least one inch in height;
- (ii) The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.
- (iii) The requirements specified in byelaws 4(i) (a) and 5(i) shall not apply to a hackney carriage provided with a taximeter which bears the sign of European Economic Community pattern approval or the mark of European Economic Community partial verification mentioned in regulation 2 of, and described in Schedule 1 to, the Measuring Instruments (European Economic Community Requirements) Regulations 1975 or any other regulations replacing those regulations or containing provision for the same purpose, and for the time being in force.

**Provisions regulating the conduct of the Proprietors and Drivers of Hackney Carriages plying within the district in their employments and determine whether**

**such Drivers shall wear any and what badges**

6. The driver of a Hackney Carriage shall
- (i) if the taximeter is fitted with a flag or other device bearing the words **"FOR HIRE"**
    - (a) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;
    - (b) before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible and so that the word **"HIRED"** is legible on the face of the taximeter, and keep the machinery of the taximeter in action until the termination of the hiring.
  - (ii) If the taximeter is not fitted with a flag or other device bearing the words **"FOR HIRE"**
    - (a) when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of bye-law 5 so that the words **"FOR HIRE"** are clearly and conveniently legible by persons outside the carriage;
    - (b) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose so that the word **"HIRED"** is legible on the face of the taximeter in action until the termination of the hiring.
  - (iii) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purpose of the Road Traffic Act 1972 and also at any other time at the request of the hirer.
7. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
8. The driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired:
- (a) proceed with reasonable speed to one of the stands fixed by the bye-law in that behalf;
  - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
  - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately

behind the carriage or carriages on the stand and so as to face in the same direction;

- (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
9. The drivers of the first two Hackney Carriages standing upon a stand appointed by the Council shall be in constant attendance in or adjacent to their carriages or in a shelter provided at that stand ready to be hired at once.
  10. A proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
  11. The driver to a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
  12. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
  13. The driver of a Hackney Carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
  14. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons (excluding the driver) than the number of persons specified on the plate affixed to the outside of the carriage. Provided that for the purpose of this bye-law two children under the age of twelve years shall be regarded as one person and children under the age of three years shall not be reckoned.
  15. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
  16. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage;
    - (a) convey a reasonable quantity of luggage;
    - (b) afford reasonable assistance in loading and unloading;
    - (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

**Provision fixing the stands of Hackney Carriages**

17. Each of the several places specified in the following list shall be a stand for such number of Hackney Carriages as is specified in the list:-

**Description of Stand**                      **Number of Carriages**

[ As designated by the Waverley Borough Council from time to time  
pursuant to Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 ]

**Provisions fixing the rates or fares to be paid for  
Hackney Carriages within the district, and  
securing the due publication for such fares**

18. The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the following table, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a Hackney Carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the following table which it may not be possible to record on the face of the taximeter.

**Fares for Distance**

(inclusive of V.A.T.)

As determined by Waverley Borough Council from time to time pursuant to Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

***(Copy of current fare tariff available on demand and on the Council's web site)***

- (b) The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this bye-law shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

**Provisions securing the safe custody and re-delivery of  
any property accidentally left in Hackney Carriages,  
and fixing the charges to be made in respect thereof**

20. The proprietor or driver of a Hackney Carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.



21. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage-
- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it;
  - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

**Penalties**

22. Every person who shall offend against any of these bye-laws shall be liable on summary conviction to a fine not exceeding fifty pounds and in the case of continuing offence to a further fine not exceeding five pounds for each day during which the offence continued after conviction therefor.

**Repeal of Bye-Laws**

23. The bye-laws relating to Hackney Carriages which are referred to in the Schedule attached to these bye-laws are hereby repealed.

**Schedule**

Date of Bye-Laws	By Whom Made	Date of Confirmation	By Whom Confirmed
28.9.1964	Farnham Urban District Council	25.1.1965	Secretary of State Home Office
27.1.1972	Farnham Urban District Council	30.3.1972	Secretary of State Home Office
25.9.1972	Haslemere Urban District Council	16.4.1973	Secretary of State Home Office
15.1.1974	Haslemere Urban District Council	26.2.1974	Secretary of State Home Office

Made under the Common Seal of the Waverley District Council on the 25th day of March 1980.

The **COMMON SEAL** of the )  
**WAVERLEY DISTRICT COUNCIL** ) (Sgd) M C V ALLCHIN  
 was hereunto affixed in the ) Member

presence of: -

)

(Sgd) E D RICHENS  
Assistant Secretary

L.S.

The foregoing byelaws are hereby  
confirmed by the Secretary of State  
and shall come into operation on  
1st day of July 1980.

L.S.

R F D SHUFFREY  
An Assistant Under  
Secretary of State,  
Home Office

12th June 1980

DRAFT

**ANNEXE 9**

**Hackney Carriage/Private Hire Trade Offences**

### Town Police Clauses Act 1847

Section	Offence	Maximum Penalty
40	Giving false information on application for HC(V) proprietor's licence	Level 1
44	Failure to notify change of address of HC(V) proprietor	Level 1
45	Plying for hire without HC(V) proprietors licence	Level 4
47	Driving a HC (V) without HC drivers' licence.	Level 3
47	Lending or parting with HC drivers' licence	Level 3
47	HC(V) proprietor employing unlicensed driver	Level 3
48	Failure of HC(V) proprietor to hold HC drivers' licence	Level 1
48	Failure of HC(V) proprietor to produce HC drivers' licence	Level 1
52	Failure to display HC(V) plate	Level 1
53	Refusal to take a fare	Level 1
54	Charging more than the agreed fare	Level 1
55	Obtaining more than the legal fare	Level 3*
56	Travelling less than the lawful distance for the agreed fare	Level 1
57	Failing to wait after a deposit to wait has been paid	Level 1
58	Charging more than the legal fare	Level 3
59	Carrying another person than the hirer without consent	Level 1
60	Driving HC(V) without proprietor's consent	Level 1
60	Allowing another to drive HC(V) without proprietors' consent	Level 1
61	Drunken driving of HC(V)	Level 1
61	Wanton / furious driving / wilful misconduct causing injury / danger	Level 1
62	Driver leaving HC(V) unattended	Level 1
64	HC driver obstructing other HC(V)'s	Level 1

- This incurs a level 3 penalty and 1 months' imprisonment until the excess is refunded.

### Local Government (Miscellaneous Provisions) Act 1976

Section	Offence	Maximum Penalty
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49	Failure to notify transfer of HC(V) proprietors' licence	Level 3
50(1)	Failure to present HC(V) for inspection as required	Level 3
50(2)	Failure to inform local authority where HC(V) is stored if requested	Level 3
50(3)	Failure to report an accident to local authority	Level 3
50(4)	Failure to produce HC(V) proprietors' licence and insurance certificate	Level 3
53(3)	Failure to produce HC driver's licence	Level 3
57	Making false statement or withholding information to obtain HC drivers licence	Level 3
58(2)	Failure to return a plate after expiry of notice, revocation or suspension of HC(V) proprietor's licence	Level 3
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew	Level 3
64	Permitting any vehicle other than HC(V) to wait on HC stand	Level 3
66	Charging more than the meter fare for a journey ending outside the district without prior agreement	Level 3
67	Charging more than the meter fare when HC(V) used as private hire vehicle	Level 3
69	Unnecessarily prolonging a journey	Level 3
71	Interfering with a taximeter	Level 3
73(1)(a)	Obstruction of an authorised officer or constable	Level 3
73(1)(b)	Failure to comply with requirements of authorised officer or constable	Level 3
73(1)(c)	Failure to give information or assistance to authorised officer or constable	Level 3

### Private Hire Trade Offences

#### Local Government (Miscellaneous Provisions) Act 1976

Section	Offence	Maximum Penalty
46(1)(a)	Using an unlicensed PH(V)	Level 3
46(1)(b)	Driving a PH(V) without a PH driver's licence	Level 3
46(1)(c)	Proprietor of a PH(V) using an unlicensed driver	Level 3
46(1)(d)	Operating a PH(V) without a PH operator's licence	Level 3
46(1)(e)	Operating a vehicle as a PH(V) when the vehicle is not licensed as a PH(V)	Level 3
46(1)(e)	Operating a vehicle as a PH(V) when the driver is not licensed as a PH driver	Level 3
48(6)	Failure to display PH(V) plate	Level 3
49	Failure to notify transfer of PH(V) licence	Level 3

50(1)	Failure to present PH(V) for inspection as required	Level 3
50(2)	Failure to inform local authority where PH(V) is stored if requested	Level 3
50(3)	Failure to report an accident to local authority	Level 3
50(4)	Failure to produce PH(V) licence and insurance certificate	Level 3
53(3)	Failure to produce PH drivers licence	Level 3
54(2)	Failure to wear PH driver's badge	Level 3
56(2)	Failure by PH operator to keep records of bookings	Level 3
56(3)	Failure of PH operator to keep records of vehicles operated by him	Level 3
56(4)	Failure to produce PH operator's licence on request	Level 3
57	Making false statement or withholding information to obtain PH driver's or operator's licence	Level 3
58(2)	Failure to return plate after expiry of notice, revocation or suspension of PH(V) licence	Level 3 + £10 daily fine
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew	Level 3
67	Charging more than the meter fare when HC used as PH vehicle	Level 3
69	Unnecessarily prolonging a journey	Level 3
71	Interfering with a taximeter	Level 3
73(1)(a)	Obstructing of authorised officer or constable	Level 3
73(1)(b)	Failure to comply with requirement of authorised officer or constable	Level 3
73(1)(c)	Failure to give information or assistance to authorised officer or constable	Level 3

#### Transport Act 1980

Section	Offence	Maximum Penalty
64(2)(A)	Driving a PH(V) with a roof sign which contravenes s64(1)	Level 3
64(2)(b)	Causing or permitting a PH(V) to be driven with a roof sign which contravenes s64(1)	Level 3

#### Disability Discrimination Act 1995

Section	Offence	Maximum Penalty
37	Refusing to carry a guide dog and hearing dogs	Level 3
37A	Refusing to carry a assistance dogs in private hire vehicle	Level 3

### Standard Scale of Fines

Fine 'levels' refer to the concept of the standard scale of fines, which was introduced in 1982. The amount equating to each level may be increased from time to time, allowing fine levels to maintain a sensible level relative to inflation. The current fine levels are shown below.

#### Standard scale of Fines

Level	Maximum Fine
1	£200
2	£500
3	£1,000
4	£2,500
5	£5,000

### The Use of Mobile Phones and Other Devices Whilst Driving

It is a specific offence to use a hand-held phone, or similar device, when driving, incurring a ~~£200~~ fixed penalty fine or up to £1,000 on conviction in court (£2,500 for drivers of goods vehicles, buses or coaches). ~~Six~~Three penalty points will also be imposed on your licence, and while penalty points can mean higher insurance costs, if you get six points within two years of passing your test, your licence will be revoked and you will need to re-sit the test. However, drivers can still risk prosecution (for failure to have proper control) if they use hands-free phones when driving.

**ANNEXE 10**

**LICENSING TEAM  
Discussion Format**

INFORMAL DISCUSSION

Date -----

with-----

1. Introduce staff present and job titles
2. The discussion is for the purpose of information gathering
3. Notes will be taken. The discussion will not be audio and/or video recorded. A copy of the notes will be provided on request.
4. The licensee is not under arrest and is free to leave at any time. If during this discussion an offence is admitted, officers may caution the licensee and stop the discussion so that a more formal interview may take place under caution at a later date.
5. The information gathered will be considered by the Head of Service, who may decide that the matter should be reported to the Licensing & Regulatory Committee or Sub-Committee for them to decide what action is appropriate, or the Head of Service may take action in consultation with the Chairman and Vice-Chairman without referral to Committee.
6. If the matter is reported to Committee or Sub-Committee you will be notified of the date of the meeting at least two weeks in advance. You will be asked to attend the meeting and may bring a representative with you.

Signed

Date